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L A W S.

PASSED BY THE

LEGISLATURE

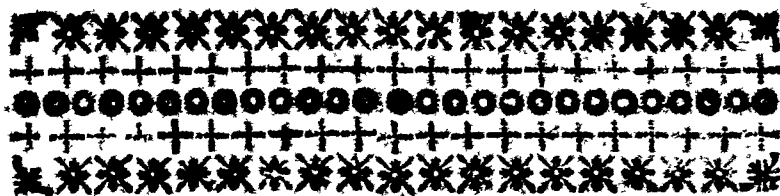
OF THE

State of Vermont,

AT THEIR SESSION HOLDEN AT RUTLAND, ON
THE SECOND THURSDAY OF OCTOBER 1794.

WESTERN DISTRICT: VERMONT.
BENNINGTON: PRINTED BY ORDER OF THE LEGIS-
LATURE, AT THE PRESS OF ANTHONY HASWELL.

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1912



ACTS AND LAWS OF THE State of Vermont.

An ACT granting to Elnathan Merwin thirty five pounds eleven shillings lawful money, in his capacity as administrator on the estate of Israel Merwin, to be paid out of the treasury of this state ; for guns, and accoutrements delivered by the said Israel Merwin to the use of this state.

Passed, Oct. 15,
1794.

IT is hereby enacted by the General Assembly of the State of Vermont, That the treasurer of this state be, and hereby is directed, to pay out of the treasury, to Elnathan Merwin, of Arlington, in the county of Bennington, the sum of thirty five pounds, eleven shillings lawful money, upon his application for the same.

Treasurer directed to pay E. Merwin, thirty five pounds 11 shillings.

An

Acts and Laws, of

An ACT in addition to an act entitled "an act granting a tax of two pence on each acre of land in the township of Sunderland, in the county of Bennington, and one penny on each acre of land in the town of Stratton, in the county of Windham."

Passed Oct. 20,
1794.

Stephen Thayer
& John Greenwood added to
committee.

IT is hereby enacted by the general assembly of the state of Vermont, That Stephen Thayer and John Greenwood be added, to the committee already appointed by said act, with the same powers, and under the same restrictions as the original members of said committee.



Passed, Oct. 20,
1794.

An ACT directing the treasurer to pay Thomas Smith the legal bounty for killing a grown wolf within this state.

Preamble.

Whereas Thomas Smith late of Waterbury, in the county of Chittenden, did, in the year one thousand seven hundred and ninety three, kill and destroy, one grown wolf within this state, and not being informed of the present law, directing the mode of proof, required to entitle him to the bounty allowed by law, did proceed according to the direction of the former law, by reason of which the treasurer could not pay to him the bounty intended by the existing law in such case. Therefore,

IT is hereby enacted by the general assembly of the state of Vermont, That the trea-

surer be, and he is hereby directed, to pay to the said Thomas Smith, the bounty by law allowed, for killing a grown wolf within this state, upon his producing to the said treasurer due proof of his complying, with either the former or existing law, in such case provided.

Treasurer to pay Thomas Smith bounty for killing a wolf.



An ACT directing the treasurer to discharge an execution in behalf of this state against William Evans.

Passed Oct. 20, 1794.

IT is hereby enacted by the general assembly of the state of Vermont, That the treasurer of this state be, and he is hereby directed to discharge, an execution issued by the consideration of the county court of the county of Orange, in June term, anno domini, one thousand seven hundred and ninety four, in behalf of this state, against William Evans, of Randolph.

Treasurer to discharge an execution against Wm. Evans.

Provided, That the said William Evans shall give sufficient surety to the said Treasurer for the sum of eleven pounds, to be paid within one year from the first day of November next, and also produce a certificate that he the said William has paid the costs of suit.



An

An ACT directing the treasurer of this state to credit the town of Randolph the sum of two pounds seven shillings. Passed Oct. 20, 1794.

I*T is hereby enacted by the General Assembly of the state of Vermont, That the treasurer of this state be, and he is hereby directed to credit the town of Randolph two pounds seven shillings, on the tax of two-pence on the pound, granted by the General Assembly in October, in the year of our Lord one thousand seven hundred and ninety-three.* Treasurer to credit the town of Randolph, 2. 7/0



An ACT ratifying the division of the town of Wilmington, by and between the proprietors thereof. Passed Oct. 20, 1794.

WHEREAS an early settlement of the town of Wilmington, without any regular division thereof into severalty among the proprietors, has rendered it impracticable at this late period, to make such a division of the same, as will do justice to the several proprietors, and at the same time be strictly agreeable to the present existing laws of this state. *And whereas* the proprietors of said town have made and completed a division thereof into severalty, as nearly equal as the present situation of the said town will admit, and to which the proprietors of said town universally agree, and wish to have ratified. Preamble.

Therefore,

the State of Vermont.

7-

Wilmington di-
vided into sev-
eralty established.

It is hereby enacted by the general assembly of the State of Vermont, That the division of the said town of Wilmington into severalty, so made and completed by and between the proprietors of said town, as aforesaid, shall be as good and valid in law, to all intents and purposes, as though the same were made in every respect agreeably to the present existing laws of this State, any law, custom, or usage to the contrary notwithstanding.

Provided a plan
thereof be made
in 6 months.

Provided, That the said proprietors of the said town shall make or cause to be made, an accurate map or plan of the said division of said town, agreeably to the present votes and proceedings of the said propriety, with the name of each proprietor fairly written on each lot pitched by them, and voted to them respectively, by the said proprietors, and the said plan be approved by the proprietors, or those claiming under them, and be lodged in the office of the town-clerk of said Wilmington, within six months from the passing of this act.

Envisio.

Provided also, That nothing in this act shall be construed to affect any dispute or controversy which now exists, or may hereafter arise relative to the two charters of Wilmington and Draper.

§§§§§§§§§§

An

Passed Oct. 20,
1794

An ACT restoring Enoch Bean to his law.

Preamble.

WHEREAS Amos Chamberlain, late of Thetford, in the county of Orange, now a resident in Dunn's Patent, in the province of Canada, at the June term of the county court, holden at Thetford, within and for the county of Orange, in the year of our Lord one thousand seven hundred and eighty-six, caused a certain action of covenant broken, to be commenced against Enoch Bean of Strafford, in said county of Orange; and afterwards by the consideration of the said court at their June term, in the year of our Lord one thousand seven hundred and eighty-seven, the said Amos recovered judgment in the suit aforesaid, against the said Enoch, by default, for about the sum of three hundred and ninety pounds damages, and for a large bill of costs. *And whereas* the said Enoch was out of the limits of the United States at the time of commencing the suit, and rendering the judgment aforesaid, and had no knowledge of the suit aforesaid, and had not come within the limits of the United States, within the time limited by law in such case for bringing writs of review.

It is hereby enacted by the general assembly of the State of Vermont, That the clerk of the court for the county of Orange

be, and he hereby is empowered and directed to enter the aforesaid action on the docket of said court, at their next term, to be holden at Newbury, within and for the county of Orange, on the Monday next preceding the second Tuesday of December next; and the court aforesaid are hereby empowered and directed to hear, try, and determine the action aforesaid, between the parties aforesaid, the same as though no judgment had been had and rendered thereon; and if a final determination of said action shall be in favour of the said Enoch, it shall operate as a reversal of the former judgment.

Clerk of Orange
county to enter
anew the cause of
A. Chamberlain
vs
E. Bean.



An ACT directing the treasurer of this State to pay to the selectmen of Dummerston, in the county of Windham, the sum of twelve pounds, seven shillings and four pence.

Passed Oct. 26,
1794.

Whereas the inhabitants of Dummerston, in the county of Windham, have maintained Hannah Knowle, a foreigner, from the 8th day of October, one thousand seven hundred and ninety three, to the fourth day of October, one thousand seven hundred and ninety four.

Preamble.

IT is hereby enacted by the general assembly of the state of Vermont, That the treasurer of this state be, and he is hereby directed to pay to Ichabod Knapp, and Samuel

Treasurer directed
to pay select-
men of Dum-
merston 12l. 7s 4

Acts and Laws of

Samuel Dutton, jun. selectmen of Dummerston for the use of said town, the sum of twelve pounds seven shillings and four pence, lawful money in hard money orders.



Passed Oct. 20,
1794.

An ACT for repealing the providing clause of an act, entitled, 'An act appointing commissioners to ascertain the boundary line, between the state of New-hampshire, and this state,' passed the sixth day of November anno domini one thousand seven hundred and ninety two.

Providing clause in an act appointing commissioners to ascertain boundary line repealed.

IT is hereby enacted by the general assembly of the state of Vermont, That the providing clause in the act, entitled, "An act, appointing commissioners to ascertain the boundary line between the state of New-hampshire and this state be, and hereby is repealed."



Passed Oct. 20,
1794.

An ACT to discharge Isaac Gage from an execution, in a certain case therein mentioned.

Isaac Gage discharged from an execution in favor of this state against him for 30l. cost excepted.

IT is hereby enacted by the general assembly of the state of Vermont, That Isaac Gage, be, and hereby is discharged from an execution in favor of the treasurer of this state against him, issued by the clerk of the supreme court, within and for the county of Addison, dated August the 25th, anno domini, one thousand sev-

en hundred and ninety four, for the sum of thirty pounds lawful money, as damages, and two pounds sixteen shillings and five pence as costs, excepting the said costs.



An ACT granting a tax of one penny on each acre of land in the town of Killington, for the purposes therein mentioned.

Passed Oct. 21,
1794.

IT is hereby enacted by the general assembly of the state of Vermont, That there be and hereby is granted a tax of one penny on each acre of land in the township of Killington, in the county of Rutland, (public lands excepted) for the purpose of making and repairing roads and bridges in said town, to be expended by the order and under the direction of John Anthony, Nathan Eddy and Seth Fuller, who are hereby appointed a committee for that purpose : said committee, to lay out one half the money raised by said tax, in making and repairing a road and bridges leading, from Elias Keyes's in Stockbridge, through part of said Stockbridge and Killington, to the road leading from Woodstock to Rutland—the other half to be expended in repairing said road and bridges leading from Woodstock to Rutland.—And any justice of the peace in said county of Rutland, is hereby empowered to issue a warrant, to Albro Anthony to collect

Killington taxed one penny for making & repairing roads, &c.

Committee.

Committees directions where to lay out the money.

Collector.

Committee and collector how to govern themselves.

collect said tax, who is hereby made accountable to said committee for the amount of the same—And said committee and collector, are hereby directed to govern themselves in collecting, disposing and accounting, for the monies raised by said tax, agreeably to an act, entitled, ‘An act directing the expenditure of monies raised by tax on lands in the several towns, for the purpose of making and repairing roads, &c. passed March eight, one thousand seven hundred and eighty seven. And the act in addition to said act, passed October the twenty fourth, one thousand seven hundred and eighty eight. And,

Collector empowered to sell lands.

It is hereby further enacted, That the collector of said tax, be, and he hereby is empowered, to sell so much land of any delinquent owner, as will pay said tax and legal costs, after advertising the same according to law. And,

Lands sold how redeemed.

It is hereby further enacted, That if the owner of any lands, sold as aforesaid, shall pay or tender, to said collector, within one year from the day of sale, the full sum for which such lands were sold, with legal costs, and twelve per cent interest thereon; the collector shall not execute, any deed for such lands so redeemed, and the title shall not be conveyed by such vendue sale, and the collector shall pay the purchaser such money so by him received.

An ACT discharging James Steel and James Blodget from the payment of two notes of hand therein mentioned.

Passed October
21st, 1794.

IT is hereby enacted by the general assembly of the state of Vermont, That James Steel and James Blodget be, and they are hereby discharged from the payment of two notes of hand executed by them to the treasurer of this state, on which notes suits are now depending before the county court in the county of Orange,

James Steel and
James Blodget
discharged from
two notes given
to the treasurer
of this state.

Provided, That the said James Steel and James Blodget shall pay all costs which have arisen in said suits.



An ACT empowering an administrator of Eliab Stone, deceased, to deed land in certain cases.

Passed October
21st, 1794.

Whereas it appears to this assembly, that Clark Stone, and Chloe Stone, both of Stratton in the county of Windham, were by the honorable judge of probate for the district of Marlborough, in the county of Windham, appointed administrators on the estate of Eliab Stone, late of Stratton, deceased, and that the said Eliab Stone in his life time, viz. at the annual March meeting holden in said Stratton, on the twelfth day of March one thousand seven hundred and ninety two

Preamble.

two, was chosen first constable of said town of Stratton, and in the same year received a warrant, dated October second, anno domini one thousand seven hundred and ninety two, from the treasurer of this state, requiring him to collect a tax of an half penny on each acre of land in said township, granted by the general assembly in October, anno domini one thousand seven hundred and ninety one, which tax the said Eliab, in his lifetime collected and paid into the treasury of this state, and for the collecting of said tax the said Eliab sold, to the said Clark Stone and others, divers parcels of lands in said Stratton, but before the expiration of the time allowed by law for the redemption of lands sold for payment of said tax, the said Eliab Stone deceased; and there being no provision of law, whereby the purchasers of lands sold by the said Eliab as aforesaid, for the purpose aforesaid, can acquire a legal title of the lands purchased: Therefore.

Chloe Stone, as
administratrix
empowered to
execute deeds.

IT is hereby enacted by the general assembly of the State of Vermont, That the said Chloe Stone, one of the administrators of the said Eliab, as aforesaid, in her said capacity, be, and hereby is fully authorized and empowered, to make and execute to the purchasers of the lands, sold by the said Eliab, for the purpose aforesaid

said (which shall be unredeemed at the expiration of one year from the time of the sale thereof) deeds, of any and all of such lands sold as aforesaid, and such deeds shall, to all intents and purposes, be as good and valid in law, to convey to such purchasers and their heirs and assigns, a good and perfect title to the lands so by them purchased as aforesaid, as though at the expiration of the time by law allowed for the redemption of said lands, the said Ehab had been living, and had himself executed the deeds.



An act to free the body of Isaiah Parmeter, from arrest in civil processes. Passed Oct. 11. 1794.

Whereas Isaiah Parmeter of Stockbridge, in the county of Windsor, has preferred his petition to this legislature, praying that by reason of certain losses, while he was executing the office of a sheriff, and through certain family misfortunes, he is unable to pay the demands which are against him, and that if he is imprisoned his family must suffer,

Preamble.

IT is hereby enacted by the general assembly of the State of Vermont, That the body of Isaiah Parmeter be, and it is hereby freed from arrests, in all civil prosecutions, in which the cause of action ac-

The body of I. Parmeter, freed from arrest for 5 years.

crued

crued previous to the first day of October, anno domini, one thousand seven hundred and ninety four; for and during the term of five years, from and after the first day of Oct. one thousand seven hundred & ninetyfour; any law to the contrary notwithstanding.



Publ. Oct. 21, *An act for incorporating certain physicians,*
1794. *therein named into a society, by the name*
of the SECOND MEDICAL SOCIETY in
the STATE of VERMONT.

Preamble.

Whereas the physicians of Windham county, in the state of Vermont, influenced by a conviction of the many advantages that have arisen from literary institutions, have associated themselves under the name and title of the *Windham Medical Association*;—And whereas the said association, desirous to advance the science of medicine, thereby to lessen human misery, and to introduce order and uniformity in the practice of physic, have prayed the legislature, that the members of said association may be created a body politic and corporate forever, with such powers, privileges, and immunities, as may best answer the laudable purposes which the members have in view:—Wherefore, to assist and encourage the said association of Physicians,

rians, in the prosecution and advancement of useful knowledge, for the benefit of their country and of mankind :

SECTION I.

IT is hereby enacted by the general assembly of the state of Vermont, That the members of said association, that is to say, Lemuel Dickerman, Samuel Cutler, Josiah Goodhue, jun. Luther Ransom, Dana Hyde, Solomon Lowell, Amos Fisher, Zephaniah Thayer, Levi Sabin, Barney Torrey, Abel Duncan, Benjamin Hazen, Nathan Stone, Samuel Wheeler, Joshua M. Webb, Daniel Chickering, Frederic Hileman, Simon Stevens, Benjamin Morgan and John Hazletine, be, and the same persons are and shall be, a body politic in deed and in name, by the name and stile of **THE SECOND MEDICAL SOCIETY IN THE STATE OF VERMONT**; and by the same name they and their successors, are hereby constituted and confirmed, one body corporate and politic in law, to have succession, and be able and capable to have, hold and enjoy, any goods chattels, lands, tenements, hereditaments, gifts and bequests of what nature soever, in fee simple, or for a term of years, life or lives, or otherwise, and also to grant, sell, aliene, assign, or let the same lands, tenements, hereditaments,

Names of physicians incorporated into a society.

Name of the society.

Powers to hold lands and other property.

To sell or lease property.

C.

and

and premises, according to the nature of the respective grants or bequests, made to the said corporation, and of the estate of said corporation therein :

The clear yearly value of the estate of the society not to exceed 2000l.

Provided, the amount of the clear yearly value of such estate, shall not exceed the sum of two hundred pounds lawful money of the state of Vermont.
And,

SECTION II.

The society made capable of suing and being sued &c.

To have a common seal.

It is hereby further enacted, that the said corporation be, and shall during the pleasure of the legislature of this state, hereafter be able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended against, in all or any courts of justice, and other places, in all manner of suits, actions, complaints, pleas, causes, and matters, of what nature or kind soever ;—And that it may and shall be lawful for the said corporation, hereafter to have and use a common seal, and the same at the will and pleasure of the said corporation to break, change, alter and renew.

SECTION III.

Power to make bye laws and regulate officers &c.

It is hereby further enacted, That the said corporation shall have full power to make their own bye laws and regulations, such as appointing the time and place

place of holding their meetings, regulating the mode of electing their officers, determining the authority and duty of each officer, establishing the mode of admission of members, and regulating all other concerns and interests of said corporation.

Provided, That such bye laws, and regulations, shall not be repugnant to the constitution, and laws of this state.

No bye laws to be repugnant to the constitution and laws of this state.

Provided also. And,

SECTION IV.

It is hereby further enacted, That no bye laws or regulations of said corporation hereafter made, shall be binding upon the officers or members thereof, unless the same shall have been proposed at one regular meeting of the said corporation, and enacted and received at another, after the intervention of at least thirty days.—And no sale, alienation, or lease, for a longer term than three years, of any part of the real estate of said corporation, shall be valid, unless the nature and time of such sale, or lease, shall have been proposed at a previous meeting of the corporation. And,

Bye laws, sales and leases how to be made and adopted.

SECTION V.

It is hereby further enacted, That Doctor Nathan Stone be, and he is hereby authorised to warn the first meeting of said

Doctor Stone to warn first meeting.

Acts and Laws of
said society, and duly notify the mem-
bers of the time and place,



Passed Oct. 23, 1794. *An act directing the treasurer, to pay John
Simonds junior, the sum of 2l. 5s0.*

Preamble.

WHEREAS John Simonds, Junior,
of Andover, in the county of Wind-
sor, collector of a tax of five pence
on the pound, granted at Castle-
ton, in the year one thousand
seven hundred and ninety, received a
bill of abatement for two pounds five
shillings, of said tax, as assessed on
the said town of Andover, which
was not produced to the treasurer until
after the sheriff had received an ex-
tent against said Simonds, for said tax,
and had paid the whole amount thereof
into the treasury, when the said treasur-
er supposing he had not power to re-
ceive the said bill of abatement, and
return to said collector a sum equal to
said bill, by reason of which said Si-
monds has been obliged to pay to the
amount of said bill of abatement,
above the sum which he has been able
to collect; Therefore,

Treasurer directed to receive &
pay a bill of a-
batement to
John Simonds
jun. of sl. 5s0.

IT is hereby enacted by the general assem-
bly of the state of Vermont, That the
treasurer be, and hereby is directed, to
receive said bill of abatement and refund
to the amount thereof to the said Sim-
onds, out of the treasury of this state.

An ACT granting a tax of one penny on each acre of land in the town of Cabot, in the county of Orange, for the purpose therein mentioned.

Passed Oct. 21.
1794.

IT is hereby enacted by the general assembly of the state of Vermont, That there be, and hereby is granted a tax of one penny on each acre of land, in the township of Cabot (public rights excepted) for the purpose of repairing the most public roads through said town, and clearing such other roads as may, by the committee herein after appointed, with the selectmen of said town, be, in their judgment found necessary : to be expended by the order, and under the direction of Lyman Hitchcock, Thomas Osgood and Horace Beardsley, who are hereby appointed a committee for that purpose : And any justice of the peace in the county of Orange, is hereby empowered to issue a warrant to Samuel Warner, to collect said tax, and said collector is hereby made accountable to the said committee for the amount of said tax :—

Tax of 1 penny
on each acre laid
on Cabot for
making roads
&c.

Committee.

Collector.

And said collector and committee are hereby directed to govern themselves, in collecting, disposing and accounting for the monies raised by said tax, agreeably to an act entitled, " An act regulating the disposition of monies, raised by tax on lands, in the several towns, for the purpose of making and repairing roads, and building bridges, &c." passed March eighth, one thousand seven hundred and eighty

eighty seven ; and also the act in addition to said act, passed October fourth, one thousand seven hundred and eighty eight. And,

Collector em-
powered to sell
lands.

It is hereby further enacted, That the collector of said tax be, and he hereby is empowered, to sell so much land of any delinquent owner, as will pay said tax and legal cost, after advertising the same according to law.— And,

Lands sold how
redeemed.

It is hereby further enacted, That if the owner of any lands sold as aforesaid, shall pay or tender to said collector, within one year from the day of sale, the full sum for which such land was sold, with legal cost, and twelve per cent interest thereon, the collector shall not execute any deed for such land so redeemed, and the title shall not be conveyed by such vendue sale, and the collector shall pay the purchaser such money so by him received.



Passed Oct. 21,
1794.

An ACT directing the treasurer to pay to the selectmen of Milton, sixteen pounds nineteen shillings.

Preamble.

Whereas the selectmen of the town of Milton, in the county of Chittenden, have expended the sum of sixteen pounds

pounds nineteen shillings, for the support of William Burch and Lawrence Combes, foreigners, resident in said town, for the preceding year. Therefore,

IT is hereby enacted by the general assembly of the state of Vermont, That the treasurer be and he is hereby directed, to pay to the selectmen of the town of Milton, the said sum of sixteen pounds nineteen shillings lawful money, out of the treasury of this state, on the forementioned account.

Treasurer directed to pay selectmen of Milton, 16l. 19s for supporting two foreign paupers.



An ACT granting a tax of one penny on each acre of land in the town of Stockbridge, in the county of Windsor, for the purposes therein mentioned.

Passed Oct. 22, 1794.

IT is hereby enacted by the general assembly of the state of Vermont, That there be, and hereby is granted a tax of one penny on each acre of land in the township of Stockbridge, in the county of Windsor, public rights excepted, for the purpose of making and repairing a road and bridge in said town, leading from the north-west part of Bernard by the mouth of Broad-Brook to Lot Whitcomb's, and from thence the shortest and best way to the road leading from Rochester to Elias Keyes's in Stockbridge, and from thence through

Stockbridge land tax of one penny for making a road from Bernard to Killington.

Committee.]

Collector.

through part of Stockbridge and Killington, to the road leading from Woodstock to Rutland—to be expended by the order and direction of Joseph Durkee, Asa Whitcomb, Lot Whitcomb, Chester Cleveland, and Sylvanus Wood, who are hereby appointed a committee for that purpose; and any justice of the peace in said county, is hereby empowered to issue a warrant to Jeremiah Gay to collect said tax; and said collector is hereby made accountable to said committee for the amount of said tax; and said collector and committee are hereby directed to govern themselves in collecting, disposing, and accounting for the monies raised by said tax, agreeably to an act, entitled, “An act regulating the disposition of the monies raised by tax on lands in the several towns, for the purpose of making roads, building bridges, &c.” passed March eighth, one thousand seven hundred and eighty-seven, and the act in addition to said act, passed October twenty-fourth, one thousand seven hundred and eighty-eight. And

Collector empowered to sell lands.

It is hereby further enacted, That the collector of said tax be, and he hereby is empowered to sell so much land of any delinquent owner, as will pay said tax, and legal costs, after advertising the same according to law. And

It is hereby further enacted, That if the owner or owners of any lands sold as aforesaid,

aforesaid, shall pay or tender to said collector within one year from the day of sale, the full sum for which such land was sold, with legal costs, and twelve per cent. interest thereon, the collector shall not execute any deed for such lands so redeemed; and the title shall not be conveyed by such vendue sale; and the collector shall pay the purchaser such money so by him received.

Lands sold how redeemed



An ACT in addition to, and explanation of an act, entitled, "An act to suspend the operation of an act limiting the act, dividing the county of Windsor into half shires."

Passed Oct. 22,
1794

WHEREAS by the laws of this state, the county court for the county of Windsor, after the session thereof at Woodstock, on the Monday next preceding the fourth Tuesday of September, anno domini one thousand seven hundred and ninety-three, was to have been holden at Woodstock: *And whereas* the legislature at their last session passed an act, to suspend the operation of the act, limiting the act for dividing the county of Windsor into half shires, and thereby directed the said court to hold their last March session at Windsor: *And whereas* no provision was at that time made, by which said court could sustain those writs and

Preamble.

processes which had issued, and those recognizances, which were returnable to the said March term of said court at Woodstock, previous to the passing of said act, by which the said court was directed to hold the said March term at Windsor. Therefore,

Processes issued
returnable at
Woodstock,
made returnable
at Windsor,
March term
1794.

IT is hereby enacted by the general assembly of the state of Vermont, That all writs and processes which issued, and all recognizances taken previous to the fourth day of November last past, returnable to the county court for the county of Windsor, at the last March term thereof at Woodstock, shall be sustained and proceeded upon, the same as though the said writs, processes, and recognizances were returnable to the said court at Windsor.



Passed October
22d. 1794.

An ACT granting to Peres Gallup, and his associates, and their heirs and assigns forever, the exclusive privilege of locking Water-Queeche-Falls (so called) on Connecticut-river.

Preamble.

WHEREAS Peres Gallup of Hartland, in the county of Windsor, and state of Vermont, has petitioned, that the exclusive privilege of locking, and continuing locks on Connecticut-river, by the falls in Hartland, may be granted to him and his associates, and their heirs and assigns forever. Therefore.

I. *It is hereby enacted by the general assembly of the state of Vermont,* That Peres Gallup, and his associates, have the exclusive privilege of locking, and continuing locks on Water-Queeche-Falls on Connecticut-river, through his own land in Hartland, within the state of Vermont, under the following limitations and restrictions, to wit,—That the said Peres Gallup, and his associates, shall be liable to forfeit to, and for the use of this state, all right of locking said falls, on condition that they shall not, within the term of three years after the first day of November next, have made, or are making all reasonable exertions in procuring materials, labour, and other necessities to forward the erecting of said locks, and shall not have fully erected and completed the same fit for use, within the term of ten years from the said first day of November next:—That the toll for conveying loaded boats through said locks, shall be eighteen-pence per ton; and nine-pence per ton on the tonnage of all empty boats; and eighteen-pence for every thousand feet of boards and timber, and for every six thousand of shingles, &c. which sum shall be and remain the rate of said toll for ever, excepting the same shall be diminished by the supreme court, as is hereafter provided by this act, which freightage shall be carried through in the order of succession in which they shall arrive at said locks.—

The exclusive right of locking Water-Queeche-Falls granted to Peres Gallup.

Limitations & restrictions,

Toll for boats &c passing locks,—

And,

It

At the end of 21 years supreme court to examine the accounts of said company, by appointing commissioners for the purpose.

Commissioners to make out a fair statement of the costs, &c.

To make report

Company to pay the commission-
ers.

II. *It is hereby further enacted*, That at the expiration of the term of twentyone years, from and after the said first day of November next, it shall be the duty of the judges of the supreme court, to examine into the state of the accounts of said company, for and on account of said locks, and proceeds thence arising ; for which purpose the said judges are hereby empowered to appoint three or more persons, wholly disinterested, who shall be sworn to the faithful discharge of their trust, commissioners, to examine into the state of said company ; and the said commissioners for the purpose aforesaid, shall have free access to all books and documents of said company, and are hereby empowered to call before them, and examine under oath, such persons as they shall think fit, and make out a fair statement of the cost of erecting, maintaining and attending to the said locks, and of the neat proceeds arising to the said company from the same, at the rate of toll aforesaid, during the said term, and make report thereon to the said judges, at the stated term of said supreme court in the county of Windsor, next after their appointment. And the said commissioners shall receive from the said company such compensation for their services, as shall be allowed by the judges of said supreme court. And if it shall appear to said judges, by the report of

of said commissioners, so made, that the neat proceeds, during the said term of twenty one years, as aforesaid, shall average at a larger sum than twelve per cent, per annum, upon all actual expenditures, it shall be the duty of said judges to lessen the said toll to such sum as to them shall appear reasonable.

Supreme court
to lessen toll.

Provided, It shall not be in the power of said judges to reduce the toll, to such sum as shall prevent the proprietors from receiving twelve per cent per annum, for all expenditures, And,

Toll never to be
lessened under 12
per cent on all
expenditures.

III. *It is hereby further enacted*, That if the company shall find it necessary to erect a dam on Connecticut River, and thereby flow or otherwise injure any property lying within this state, the owner or owners of such property, so injured, shall, upon application to the county court for the county of Windsor, be entitled to receive from the company aforesaid, such compensation as the county court shall judge just and equitable, for the injury such person or persons has sustained, or probably may then in future sustain, by flowing said lands, or in any other way whatsoever. And a record being made thereof by the clerk of said court, shall be a complete bar to any future application for any injury done to the same property. And any action for damage sustained by the dam aforesaid,

Land flowed or
other property in-
jured by the com-
pany, made of
redress for per-
sons injured.

County Clerk
to keep a record
which shall be
a bar to any oth-
er application.

shall

How actions shall be commenced.

shall be commenced in the mode prescribed by this act, and in no other; unless the company shall have failed to pay the sum or sums assessed by the court aforesaid, any law, usage or custom to the contrary notwithstanding.

County clerk to pay over monies by him received from the company.

And it shall be the duty of the clerk of said county court, to pay over on request, all sums of money by him received, from the said company as aforesaid, to the persons to whom they respectively belong, taking proper receipts therefor, which receipts the said clerk shall safely keep, with the files in his office, and minute the same in the records of the proceedings in each respective case.

Supreme court to examine the accounts and regulate the toll every 10 years after the first 21 years.

IV. *It is hereby further enacted,* That after the term of twenty one years, as heretofore mentioned, it shall be the duty of the supreme court, for the time being, on application made for that purpose, to examine, at the end of every ten years, in the same manner as at the expiration of twenty one years, as aforesaid, and to reduce the toll in the same manner as is before directed.

Name or title of the company.

And the said Peres Gallup and his associates be, and they hereby are made a body politic and corporate, by the name of *The company for rendering Connecticut River navigable by Water Queche Falls.* And they and their successors, and such others as shall be hereafter admitted members of

of the said company, shall be and continue a body politic and corporate by the same name forever. And,

V. *It is hereby further enacted*, That the said Peres Gallup and his heirs and assigns, have the exclusive privilege of drawing by said falls, goods, wares, and merchandize, transported up and down Connecticut river in boats, and all other articles transported on said river, necessary to be drawn by said falls, until the time limited in this act, for the completion of said locks, and no longer.

The exclusive privilege of drawing goods &c. by Water Queche-Falls, granted to Peres Gallup.

And the said Peres Gallup and his heirs and assigns shall receive no greater fees, for the services aforesaid, than is allowed by this act for transporting the same through the locks.

Fees the same as passing locks.

Provided, That the persons requesting such carriage, shall assist in the loading and unloading of their articles, as has been heretofore usually practised.

Provided the persons assist in loading

And every person or persons who shall interfere in the transportation aforesaid, excepting the owners of such goods, wares, merchandize, and other matters of transport as above intended, with his own team, shall pay for every ton weight or load drawn by said falls, the sum of five shillings, and the same proportion for any lesser weight or quantity, to be recovered

Persons interfering to pay 5s. per ton.

recovered by action of debt before any justice of the peace in the county of Windsor with legal costs. And

To carry loading &c. in successive turns as they arrive.

On refusing or neglecting, to pay a fine of 5s. for every 12 hours and 1s. in proportion for a lesser number.

To transport large boats, a reasonable time allowed to procure a team.

Mode of process for a recovery of fines, &c.

VI. *It is hereby further enacted,* That the said Peres Gallup his heirs or assigns, shall at all times cart, and carry by said falls, all loading whatsoever, and boats, in the turn and order of succession, as they shall arrive at the respective landings at said falls And in case he or they shall neglect or refuse so to do, on any day, Sundays excepted, after the space of twelve hours, from the time he shall be thereunto requested, and the respective turn shall come within that term, he or they shall forfeit and pay to the party so requesting and aggrieved, the sum of five pounds lawful money, for every twelve hours after the said first twelve hours, from sun rising to sun setting, he or they shall so refuse or neglect, and in the same proportion for any lesser number of hours, not less than two hours together (unless it be to transport certain large boats, which will require more team and assistance than is usually wanted, in which case a reasonable time shall be allowed him or them to procure the assistance, over and above the time before allotted.)

And all forfeitures incurred by this act, shall be recovered in the usual mode of proof in similar cases, within this state. And,

VII. *It is hereby further enacted,* That if the said Peres Gallup, his heirs or assigns, shall within the time limited in this act, as aforesaid, be unprepared and unready for the services of drawing, which by this act he and they are to do and perform for the space of forty eight hours, at any one time, he and they shall forfeit to and for the use of this state the privilege of drawing by said falls, granted by this act.

Privilege of drawing forfeited if unready for the space of 48 hours at one time.



An act to empower the town of Brattleborough, in the county of Windham, as devisee in the last will and testament, of Amos Tute, late of Hinsdale, in said county, deceased, to enter and prosecute a certain appeal therein mentioned.

Passed Oct. 22,
1794.

Whereas by a certain instrument purporting to be the last will and testament, of Amos Tute, late of Hinsdale, deceased, a certain tract or farm of land situate and being in Brattleborough, in said county, was devised to said town of Brattleborough, for the use of schools in said town—And whereas Samuel Knight, and Joseph Clark, named and appointed executors, in and by said last will and testament, applied to the judge of probate, for the district of Marlborough, to have said will approved:—And the said judge decreed,

Preamble.

decreed, that said will ought not to be approved, from which said decree, the said executors, regularly entered an appeal to the supreme court, then next to be holden at Newfane, within and for said county of Windham, on the thirtyfirst day of August anno domini, one thousand seven hundred and ninety :— which said appeal the said executors neglected to enter and prosecute :— And whereas the said town of Brattleborough, were not cited to appear before the judge of probate, at the time said decree was made, and had no opportunity to show that said will ought to be approved :

Therefore,

Town of Brattleborough as devisees of the last will of Amos Tuttle, empowered to enter an appeal in supreme court.

I*T is hereby enacted by the general assembly of the state of Vermont,* That said town of Brattleborough, have liberty to enter said appeal, from said decree of said judge of probate, in the docket of said supreme court, at their adjourned term to be holden at Newfane, within and for said county of Windham, on the second Tuesday of March next. And the said supreme court are hereby authorised and directed, to hear and determine said appeal, and to order and adjudge relative to the probate of said will, as fully and in the same manner, as though said appeal had been entered, and prosecuted by said executors, at the said term of said supreme court, at which said appeal

peal by the tenor thereof ought to have been entered.



An act directing the treasurer, of this state, to credit the town of Putney, two pounds and nine pence.

Passed Oct. 23^d
1794.

Whereas it appears to this legislature, that the grand list of the town of Putney, for the year one thousand seven hundred and ninety three, was through mistake returned two hundred and forty four pounds, more than its true sum, amounting to the sum of two pounds and nine pence on the state tax.

Preamble.

Therefore.

IT is hereby enacted by the general assembly of the state of Vermont, That the treasurer of this state, be, and he hereby is directed, to credit to the account of Joseph Smith, constable of Putney, the sum of two pounds and nine pence.

Treasurer directed to credit Joseph Smith collector of Putney, 2l. 9s.



An act limiting the powers of the supreme and county courts, in granting new trials.

Passed Oct. 25^d
1794.

Whereas by the adoption of the common law of Great-Britain, it is considered by the judges of the supreme and county courts, that they have a right to grant new trials in causes where

Preamble.

where said judges differ in opinion from the jury respecting the law or evidence, in any cause tried before said courts, the practice of which continues litigation, enhances costs and lessens the privilege of trial by jury. Therefore,

Supreme and county courts not to grant new trials where they differ in opinion from the jury.

It is hereby enacted by the general assembly of the state of Vermont, That no new trial shall hereafter be granted or allowed, by the judges of the supreme or several county courts in this state, in any civil cause, for the reason that said judges differ in opinion from the jury who shall try such cause, with respect to the law or evidence adduced on the trial, any law, usage, or custom to the contrary, notwithstanding.



Passed Oct. 25,
1794.

An act granting a new trial to John Hills.

Preamble.

Whereas at a county court holden at Middlebury, within and for the county of Addison, on the Monday next preceding the first Tuesday of March, one thousand seven hundred and ninety three, John Frazer, of Ferrisburgh, in the county of Addison, brought his action against John Hills, of Charlotte, in the county of Chittenden, as indorsee of a promissory note, given by the said John Hills, to Alexander Frazer

ser, on the twentieth day of May, one thousand seven hundred and eightyfive, for the sum of eighteen pounds and fourteen shillings, which action was continued to the then next term of the said court. And whereas the time for holding the said court, had been altered by a statute law of this state, which alteration was not known to the said John Hills, by reason whereof he was not then prepared for a trial, and judgment was then rendered against him by default, and the said John Hills having represented to this assembly, that he is greatly injured in the premises :—Therefore,

IT is hereby enacted by the general assembly of the State of Vermont, That the clerk of the said court be, and he hereby is authorised and directed, to enter the said action anew, on the docket of the said court, and that a new trial be had in the same manner as though no judgment had ever been had or rendered thereon.

A new trial
granted in a cause
John Fraser
vs
John Hills;



An act granting a tax of one penny on each acre of land in Walden Gore, for the purpose therein mentioned.

Passed Oct. 25.
1794.

IT is hereby enacted by the general assembly of the State of Vermont, That there be,
and

and hereby is granted a tax of one penny on each acre of land, in the tract called and known by the name of Walden Gore, in the county of Orange (public lands excepted) for purpose of making and repairing roads and building bridges in said tract of land, to be laid out and expended by the order and under the direction of Benjamin Sias, esq. and Dudley Davis, who are hereby appointed a committee for that purpose: and any justice of the peace in the county of Orange, is hereby authorised and empowered, to issue his warrant to Aaron Hartshorn to collect said tax, and said collector is hereby made accountable to said committee for the amount of said tax—And said collector and committee are hereby directed to govern themselves in collecting, disposing and accounting for the monies raised by said tax, agreeably to an act, entitled “an act regulating the disposition of monies raised by tax, on the several towns, for the purpose of making and repairing roads and building bridges, &c. passed March eighth one thousand seven hundred & eighty seven, and the act in addition to said act passed October twenty fourth one thousand seven hundred and eighty eight.

And,

It is hereby further enacted, That the said collector be, and he hereby is empowered and directed, to sell so much of the land

Committee appointed.

Collector appointed.

Committee how to be governed in disposing of monies.

the State of Vermont.

39

land of any delinquent owner, as will pay said tax and legal cost, after having advertised the same according to law.

And,

It is hereby further enacted, That if the owner of any land sold as aforesaid, shall pay or tender to said collector, within one year from the day of sale, the full sum for which such land was sold, with legal costs and twelve per cent interest thereon, the collector shall not execute any deed, for such land so redeemed, and the title shall not be conveyed by such vendue sale—And the collector shall pay the purchaser such money, so by him received.

Land how re-
deemed.



An ACT regulating the publishing of advertisements within this state, and repealing an act for that purpose, passed October 31st, one thousand, seven hundred and ninety three.

Passed, Oct. 27.
1794.

I*T is hereby enacted by the general assembly of the State of Vermont,* That all notifications which respect the doings of proprietors, or the transactions of committees or collectors, who have or may hereafter be appointed, for the purpose of making and repairing roads and building bridges, or any advertisements respecting the sale of lands, shall be published

Advertisements
how to be published.

in

in the news-papers now printed in Bennington, Windsor and Rutland, under the titles of the Vermont Gazette, Vermont Journal, & the Farmer's Library, under whatever title they may hereafter appear so long as newspapers shall be circulated from the presses from which they now issue, or until the legislature shall otherwise direct. And,

It is hereby further enacted, That whenever any advertisements, so made necessary by law to be published as aforesaid, shall fail of being duly published according to law, through the typographical error, or other neglect of all or either of said printers, that then and in such case it shall be the duty of the printer or printers, so neglecting or erring as aforesaid, to defray to the person accountable for the publishing such advertisement, all expences occasioned by such error or neglect, any law, usage, or custom to the contrary, notwithstanding. And,

In case of errors of the ptes, printers to account.

It is hereby further enacted, That the act entitled, "*An act regulating the publishing of advertisements in this state,*" passed October thirty first, one thousand, seven hundred and ninety three, be and the same is hereby repealed.

Act repealed.

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An ACT directing the treasurer of this state to pay to Tarrent Putnam the sum of four pounds twelve shillings and nine pence.

Passed, Oct. 27:
1794.

IT is hereby enacted by the general assembly of the state of Vermont, That the treasurer of this state be, and he is hereby directed, to pay to Tarrant Putnam the sum of four pounds twelve shillings and nine pence, in hard money orders out of the treasury of this state.

Treasurer to pay
Tarrant Putnam
two pounds 12s

An ACT dividing the state into districts, for electing Representatives to the Congress of the United States, and directing the mode of their election.

Passed October
28th, 1794.

I. **I**T is hereby enacted by the general assembly of the state of Vermont, That the counties of Bennington, Rutland, Addison, and that tract of land now included in the county of Chittenden be, and they are formed into one district, for the purpose of electing one representative, to represent this state in Congress.

Western district
described.

And that the counties of Windham, Windsor, and the tract of land now included in the county of Orange be, and they are hereby in like manner formed into one other district for the purpose aforesaid. And,

Eastern district
described.

First constable to
set up warning
twelve days be-
fore the first
Tuesday of Sept.
1796, and every
two years there-
after.

Meeting to be
holden at 12
o'clock, at noon.

Act to be read.

II. *It is hereby further enacted,* That the first constables, and in their absence the selectmen of the several towns in this state, without further order, shall set up a notification, at such place or places as shall have been appointed by their several towns for notifying town meetings, at least twelve days before the first Tuesday of September, that is to say twelve days before the first Tuesday of September, which will be in the year of our Lord one thousand seven hundred and ninety six, and twelve days before the first Tuesday of September, which will be in the year of our Lord one thousand seven hundred and ninety eight, and thus once in two years forever thereafter, warning the freemen to meet on the said first Tuesdays of September, at twelve o'clock, at noon, at the usual place of holding town meetings, in said towns, for the purpose of electing a person to represent this state in Congress. At the opening of which meeting this act shall be publicly read. And,

To call on the
freemen for two
hours to bring
in their votes.

III. *It is hereby further enacted,* That the first constable, and in his absence the next constable, one of the selectmen, or a justice of the peace, shall then call upon the free men, from time to time, for the space of two hours, to give in their ballots for a person to represent this state in congress, at the expiration
of

of which time the ballots shall be sorted and counted by the presiding officer, with the assistance of one or more of the select men, and the town clerk, in the presence of the freemen.

Votes to be sorted and counted.

And a certificate of the number of the votes for each candidate) of which a record shall also be made in the town-clerk's office) signed by the presiding officer, together with the ballots, shall be by the said presiding officer sealed up, and superscribed with the name of the town, and these words, *votes for a representative to congress.*

A record of the number to be made.

Ballots sealed up,

Direction:

And the said ballots and certificates so sealed up and superscribed, the said presiding officer shall deliver to the representative, chosen to attend the general assembly for that town, or a representative from some adjacent town, at their next session.

Delivered to a representative.

And the said representative shall deliver the same to a committee, to be elected by the general assembly, for each respective district: which committee, on the Monday next after the second Thursday in October, shall sort and count the said votes, and declare the person having a majority thereof, in their respective districts, to be elected to represent the people of this state in the congress of the united States. And,

Committee appointed to sort and count votes.

Persons having a majority to be elected.

No person having a majority the governor to be notified.

IV. *It is hereby further enacted,* That if no person shall have a majority of all the votes in a district, the committee for such district shall give notice thereof, to the chief magistrate of this state, with a statement of the number of votes for each candidate.

Governor to issue a warrant to the first constables, with a list of the former votes, directing them to warn a meeting on the second Tuesday of Nov. at two o'clock.

And it shall be the duty of the said chief magistrate to issue his warrant to the first constables of the several towns in the district or districts in which such failure of choice shall happen, notifying them of the number of votes for each candidate at the former meeting, and directing them, or in their absence the select men, to warn the freemen in their respective towns, in manner aforesaid, to meet on the second Tuesday of November following, at the places aforesaid, at two o'clock in the afternoon, to choose a person to represent this state in congress. And the said meeting shall be governed and conducted as in this act is before directed. And,

Votes to be sorted, counted, recorded and sealed up, and

within eight days, delivered to the clerk of the county.

V. *It is hereby further enacted,* That a certificate of the number of votes for each candidate, signed as aforesaid (of which a record shall be also made in the town clerk's office) together with the ballots, shall be sealed up in presence of the freemen, as aforesaid, and within eight days, by the presiding officer at the meeting shall be delivered to the clerk

clerk of the county court in the respective counties, whose duty it shall be to meet at Windsor and Rutland in their respective districts, on the first Wednesday in December, then next following, with the said votes, and there publicly to sort and count the same, and to declare the person having the highest number of votes, to be the representative of the people of this state in the congress of the United States. And

County clerks to meet at Rutland and Windsor, the first Wednesday of Dec. and sort and count votes, and the person having the highest number elected.

VI. *It is hereby further enacted, That* if two or more persons having the highest number of votes, shall have an equal number, then, and in such case it shall be the duty of the said clerks, openly and publicly to decide such election, by lot. And

Two highest persons having an equal number, the clerks to decide the choice by lot.

VII. *It is hereby further enacted, That* the time for holding the election for representatives to congress from this state, to supply the seats which will become vacant on the fourth day of March, anno domini one thousand seven hundred and ninety five, shall be on the last Tuesday of December next.

Time for holding election to supply the seats which will be vacant in March 1795.

And it shall be the duty of the several constables, and in their absence of the selectmen, without further order, to warn the freemen of the several towns in this state, as herein before directed, to meet at the usual place of holding town meetings.

Meeting to be
holden on the last
Tuesday of Dec.
1794, at two
o'clock.

ings, in said towns, on the last Tuesday of December next, at two o'clock, in the afternoon, for the purpose of choosing a representative in congress,

Ballots sealed
up.

And said meeting shall be holden and governed, and the ballots sealed up, together with the certificate of the number thereof, superscribed in the manner herein before pointed out.

Delivered to
County Clerk in
six days.

And the said ballots and certificates so sealed up and superscribed, the several presiding officers of said meetings shall deliver to the respective county clerks, within six days thereafter. And,

Clerks to meet
at Rutland and
Windfor on the
2d Thursday of
January, 1795,
to sort and count
votes.

VIII. *It is hereby further enacted*, That the several county clerks shall meet with the said votes at Rutland and Windfor, in their respective districts, on the second Thursday of January next, and shall then and there proceed to sort, count and declare, in the same manner as is in this act before directed.

No choice the
clerks to notify
the governor,
who shall issue
his warrant to
the first constable
to warn a
meeting on the
second Tuesday
of February.

And in case it shall so happen, that in either district there shall not be a majority of all the votes for one candidate, the said clerks shall immediately notify the same to the chief magistrate of this state, giving him a statement of the votes.

And it shall be the duty of the said chief magistrate to issue his warrant to
he

the first constables of the district in which there shall be a failure of choice, requiring them, and in their absence the selectmen, to warn the freemen of the respective towns, to attend, as before last directed, in this act, on the second Tuesday in February next.

And the constables shall be directed in the said warrant, to state the number of votes which each of the candidates had at the former poll.

Constables duty.

And the meeting shall be holden and conducted in the same manner as is herein before expressed.

Meeting how to be governed.

And it shall be the duty of the constables or presiding officers of such meetings, to deliver the ballots, with the certificates, sealed up and superscribed as aforesaid, to the clerks of their respective counties, within six days after the day of such meeting.

Constables to deliver the votes to the clerks within six days.

And the said clerks shall meet at Windsor or Rutland, in the said district or districts, as the case may be, on the last Tuesday of February next, to sort and count the votes, and to declare the person who has the highest number of votes to be duly elected to represent this state in the congress of the united states. And,

The clerks to meet on the last Tuesday of Feb.

Persons having an equal number of votes, the clerks to decide the choice by lot.

IX. *It is hereby further enacted,* That if two or more persons having the highest number of votes, shall have an equal number, then, and in such case, it shall be the duty of the clerks, openly and publicly to determine such election by lot. And,

Sheriffs empowered in the absence of the clerks, to do the duty.

X. *It is hereby further enacted,* That in case of the absence or disability of either of the county clerks, the sheriff of such county is hereby fully authorised and required to do all the duty which is by this act enjoined on the clerk of such county. And,

Fees allowed the clerks, sheriffs & constables.

XI. *It is hereby further enacted,* That the constables, clerks and sheriffs be allowed four pence per mile travel each way, and the clerks or sheriffs six shillings for each day while sorting and counting the votes,

Supreme court to draw orders on the treasurer.

And the judges of the supreme court are hereby authorised and directed to settle such accounts, and draw on the treasurer of this state for payment, and the treasurer is hereby required to pay the same. And,

Officers neglecting duty to pay a fine of £. 5.

XII. *It is hereby further enacted,* That any person neglecting to do the duties enjoined on him by this act shall forfeit and pay into the treasury of this state five pounds for every such neglect, and i shall

shall be the duty of all the informing officers of this state to make due presentment of every breach of this act. And

XIII. *It is hereby further enacted*, That it shall be the duty of the chief magistrate of this state, to cause to be executed, under his hand and the seal of this state, proper credentials to the persons declared to be chosen agreeably to this act. And,

Governor to give
credentials.

XIV. *It is hereby further enacted*, That no vote shall be received for a representative to Congress, in any meeting for that purpose, after the setting of the sun.

No vote to be
taken after sun-
set.



An ACT to release from confinement the body of Samuel Beach, for the space of one year, and to secure his body from arrests, on civil process during that term.

Passed Oct. 23,
1794.

I. **I***t is hereby enacted by the general assembly of the state of Vermont*, That Jonathan Bell, esq; sheriff of the county of Rutland, be and hereby is directed, to release from confinement Samuel Beach, now confined in the common goal, in the county of Rutland, on certain executions; upon his procuring sufficient surety, that he, the said Samuel, shall deliver himself to the said sheriff, at the expiration of one year from the day of the passing of this act, to be again

Sheriff Bell directed to relieve Samuel Beach, from goal, for one year, taking sufficient surety.

taken into custody on said executions, on which he is now confined; and that he shall not in said term of one year, waste, embezzle, or secrete, any of his property. And,

II. It is hereby further enacted, That upon his procuring good and sufficient bonds, to the acceptance of the said sheriff, the sheriff shall have full authority, and he is hereby directed to release the said Samuel, from his present confinement, on all executions upon which he is now confined, in said Rutland county goal: and if the said Samuel doth not, in the term of one year as aforesaid, pay and satisfy the executions on which he is now confined, as aforesaid, the said sheriff shall have full power and authority, and he is hereby empowered, to receive the said Samuel, and recommit him to the said goal, in the county of Rutland, by virtue of the said executions upon which he now stands committed, the same as though he had never been committed upon them, and as though the said executions should then be in full life and effect. And,

If executions are not satisfied in one year, to receive him into goal again.

III. It is hereby further enacted, That the body of the said Samuel Beach be, and hereby is exempted from all arrests, in civil prosecutions, for and during the term of one year from the day of the passing of this act; and no person shall have

His body, excepted from arrest for one year.

have right to arrest the said Samuel, for the space of one year as aforesaid, for any debt or contract entered into by the said Samuel, before the passing of this act, by mesne process or upon execution.

And if any person shall arrest the body of the said Samuel, within the term aforesaid, either by mesne process or upon an execution, such arrest shall be void, and the said Samuel shall be immediately discharged and liberated from such arrest or confinement. If arrested on civil action within one year, to be immediately discharged.

Provided, That the said sheriff shall take the bonds mentioned in this act, for the benefit of the said Samuel's creditors, and they shall be assignable to them, in the same manner as bonds for the liberties of the goal yard, by law, are directed to be taken. Provido.



An ACT appointing commissioners for the purposes therein mentioned. Passed Oct. 23, 1794

WHEREAS it appears to this legislature, that previous to the existence of this state, the inhabitants of the then county of Cumberland, which now forms the two counties of Windsor and Windham, appointed a committee Preamble.

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Acts and Laws of

tee, for the purpose of building a court house, in the town of Westminster, within said territory, which committee actually did build a courthouse in said Westminster : And the inhabitants of many towns in said county of Cumberland did levy, and in some instances actually collect a tax, for the purpose of defraying the expence of said building, the final adjustment of which business was totally interrupted and prevented, by the intervention of the revolution, and the disputes between this state and the governments of Newyork and Newhampshire ; and there being no persons furnished with sufficient powers to adjust the same, according to the principles of law and equity ; to the end that justice may be done in the premises ;

Committee to ascertain claims of persons for building Westminster court-house.

To sell said courthouse after advertising.

I*T is hereby enacted by the general assembly of the state of Vermont,* That John Sessions, Jason Duncan, and Jehiel Webb, esquires, be and they are hereby appointed commissioners, with full and ample powers to ascertain the amount of the taxes, heretofore levied and collected, as aforesaid, and to adjust and finally determine all the claims of individuals, for labour done, or materials furnished, in erecting said building : And also to sell at public vendue said court house, after advertising the time and place of sale in the Vermont Journal, three weeks successively

successively, at least six weeks before the day of sale, and actually convey the same, in fee, which conveyance shall be good and valid in law, and appropriate the monies arising from such sale, in equal proportion to the payment of the honest claims of those, who assisted as aforesaid, in the building the same. — And said commissioners are hereby fully authorized and empowered, to adjust and finally determine, all and every matter and thing, which in any wise appertains to the business aforesaid. — And they shall be responsible to the county court of the county of Windham, for the faithful performance of their trust, and shall receive a reasonable compensation for their services, out of the monies arising from the vendue sale aforesaid.

Avails of sale to be paid in equal proportion to the claims allowed for building.

To be accountable to Windham county court.

Commissioners how paid.



An act granting a land tax on the town of Barre, alias Wildersburgh.

Passed October 28th, 1794.

I. *It is hereby enacted by the general assembly of the state of Vermont,* That there be, and hereby is granted a tax of one penny on each acre of land in the township of Barrere, *alias* Wildersburgh, in the county of Orange, (public rights excepted) for the purpose of making and repairing roads and building bridges in said town, to be expended by the order and under the direction of Nathaniel Sherman, Benjamin Richardson, and Apollos

Barre alias Wildersburgh, land tax of one penny per acre for making roads.

Committee.

Collector.

Committee and collector to be governed by an act passed March 1787, &c.

Apollos Hale, who are hereby appointed a committee for that purpose. And any justice of the peace, within the said county, is hereby empowered to issue his warrant to said Gardner Wheeler, to collect said tax, and said collector is hereby made accountable to said committee for the amount of said tax. And said collector and committee are hereby directed to govern themselves in collecting, disposing, and accounting for the monies raised by said tax, agreeably to an act, entitled, an act regulating the disposition of monies, raised by taxes on the several towns, for the purpose of making and repairing roads, building bridges &c. passed March eighth, one thousand seven hundred and eighty seven, and an act in addition to said act passed October twenty fourth, one thousand seven hundred and eighty eight.

Collector empowered to sell land.

II. *It is hereby further enacted,* That said collector be and he hereby is authorised to sell so much land of any delinquent owner as will pay said tax and legal costs, having advertised the same according to law. And,

Lands sold how redeemed.

III. *It is hereby further enacted,* That if the owner of any land, sold as aforesaid, shall pay or tender to the said collector within one year from the day of sale, the full sum for which such land was sold with legal cost, and twelve per cent interest thereon, said collector shall

not

not execute any deed for such land so redeemed, and the title shall not be conveyed by such vendue sale, and the collector shall pay the purchaser such money so by him received.

Redemption money to be paid to the purchaser.



An act establishing and constituting the easterly part of Burlington, the southerly part of Jericho, the two societies of Williston, a part of Newhuntington, and part of Buel's and Avery's gores, into three distinct towns.

Passed, Oct. 27.
1794.

IT is hereby enacted by the general assembly of the state of Vermont, That that part of Burlington and Williston, now called the *Western Society of Williston*, together with Jonathan Spaffords farm annexed by an act, passed November the third, one thousand seven hundred and ninety one, to said society, be and the same is hereby constituted into a town by the name of Williston. And that the easterly part of said town of Williston, the southerly part of Jericho, and that part of Newhuntington, united by an act passed in January one thousand seven hundred and ninety one, into an ecclesiastical society, and known by the name of *The easterly Society of Williston*, excepting a certain tract of land commonly called and known by the name of *the leg of Williston*, bounded as follows, viz. beginning on the line between Willistown and Newhuntington

Western society of Williston, formed into a town by the name of Williston.

Easterly society of Williston, formed into a town by the name of Richmond.

ton at the three-mile mark, thence north sixty seven degrees west to the north line of Hinesburgh, be and the same is hereby constituted into a distinct town by the name of Richmond.

Bounds of the
town called
Newhunting-
ton.

And that the above described tract called *the Leg of Williston*, together with the remaining part of Newhuntington, excepting the tract hereafter excepted, and four miles taking the whole width of Buel's and Avery's Gores so called, from the north line of said gores, be, and the same are hereby constituted into a town by the name of Newhuntington.

Town privile-
ges granted.

And that the said towns of Williston, Richmond, and Newhuntington, shall have and enjoy all the privileges and immunities originally given to other towns in this state by charter. And,

Part of New-
huntington an-
nexed to Bolton.

II. *It is hereby further enacted*, That the following tract of land, lying on the north easterly corner of Newhuntington, bounded as follows, viz. beginning at the southwesterly corner of the easterly society of Williston aforesaid, thence south sixty seven degrees west to the line of Duxbury, be and the same is hereby annexed to the town of Bolton. And,

Public lands
divided between
Williston and
Richmond.

III. *It is hereby further enacted*, That the public rights of land granted by charter, for the immediate benefit of said benefit

town of Williston, shall be for the equal benefit of the said towns of Williston and Richmond.

An ACT granting to Samuel Mattocks, esq. treasurer of the state of Vermont, the sum of sixty-nine pounds, fifteen shillings and two pence.

Passed Oct. 27, 1794.

IT is hereby enacted by the general assembly of the state of Vermont, That Samuel Mattocks, esquire, treasurer of the state of Vermont, be, and hereby is allowed, out of the treasury of the state, the sum of sixty nine pounds fifteen shillings and two pence, lawful money, for costs, damages and expences, by him sustained, in an action of false imprisonment, brought against him, as treasurer, by Nathan Fisk, for granting an extent against him, for his delinquency, as collector of the state tax, in the town of Westminster, by the verdict of a jury, before the supreme court holden at New-fane, in the county of Windham, in the month of September last.

69 l 15 s 2 d.
granted to Samuel Mattocks.

An ACT authorizing Simeon Brown, administrator on the estate of Oliver Blye, late of Springfield, deceased, to sell lands therein mentioned.

Passed Oct. 27, 1794.

Whereas

H

Preamble.

Whereas the administrators to the estate of Oliver Blye, late of Springfield, deceased, have had liberty to sell lands of the said Blye, for the payment of the debts of the deceased, and it appears to this legislature that there is a small piece of land remaining, which, in its present situation, cannot be beneficial to the heirs of the said deceased, who are under lawful age. Therefore,

Simeon Brown
empowered to
sell Oliver Blye's
estate.

IT is hereby enacted by the general assembly of the state of Vermont, That Simeon Brown, administrator on the estate of Oliver Blye, late of Springfield, deceased, be, and he is hereby authorised, to sell the remaining part of the real estate of the said Oliver Blye, deceased, under the direction of the judge of probate of the district of Windsor.

And accountable
to the heirs
when they ar-
rive at age, for
the avails and in-
terest.

And that the said administrator be, and he is hereby made accountable to the heirs of said estate, for the payment of the money arising from such sale, upon their arriving at lawful age, with lawful interest thereon from the time of the sale.

Deeds made va-
lid in law.

And a deed of conveyance from the said administrator, shall be good and valid in law, to convey to the purchaser, all the title to the said property which was vested in the said Oliver Blye, at the time of his decease.



An ACT granting a tax of two pence per acre, on the lands in the town of Victory, in the county of Orange. Passed Oct. 27, 1794.

I.

IT is hereby enacted by the general assembly of the state of Vermont, That there be, and hereby is granted, a tax of two pence on each acre of land in the township of Victory, in the county of Orange, (public rights excepted) for the purpose of making roads and building bridges in said town, to be expended under the direction of Eben W. Judd, Jeremiah Harris, and David Hopkinson, who are hereby appointed a committee for that purpose.

Victory land tax of two pence per acre, for making roads, &c.

Committee.

And any justice of the peace within the county of Orange, is hereby empowered to issue a warrant to Jeremiah Harris, of Granby, to collect said tax, and said collector is hereby made accountable to said committee, for the amount of said tax.

Collector.

And said collector and committee are hereby directed to govern themselves in collecting, disposing and accounting for said tax, agreeably to an act entitled, "An act regulating the disposition of monies raised by taxes on the several towns, for the purpose of making and repairing

Collector and committee accountable.

repairing roads, building bridges, &c.³² passed March eighth, one thousand, seven hundred and eighty seven, and the act in addition to said act, passed October twenty fourth, one thousand seven hundred and eighty eight. And,

Collector empowered to sell lands.

II. *It is hereby further enacted*, That said collector be, and he is hereby empowered, to sell so much land of any delinquent owner, as shall pay said tax and legal costs, after advertizing the same according to law. And,

Lands how redeemed.

III. *It is hereby further enacted*, That if the owner or owners of any lands sold as aforesaid, shall pay or tender to said collector, within one year from the day of sale, the full sum for which such land was sold, with legal costs and twelve per cent interest thereon, the collector shall not execute any deed for such land so redeemed, and the title shall not be conveyed by such vendue sale.

Collector to repay

And the collector shall pay the purchaser such money so by him received.



An ACT directing the treasurer of this state to pay Joshua Bayley the sum of six pounds fifteen shillings.

Passed, Oct. 27.
1794.

Whereas it is represented that Joshua Bayley, collector of state taxes in the town

town of Newbury, for the years one thousand seven hundred and eighty six, and one thousand seven hundred and eighty seven, paid the whole of said taxes into the treasury. And that he has since obtained regular bills of abatement, for the sum of six pounds fifteen shillings, on the said taxes, which the treasurer is not empowered to allow. Therefore,

Preamble.

IT is hereby enacted by the general assembly of the state of Vermont, That the treasurer of this state be, and he hereby is directed to pay to the said Joshua Bayley, the amount of said bills of abatement, being the sum of six pounds fifteen shillings lawful money.

Treasurer directed to pay Joshua Bayley six pound fifteen shillings.



An act discharging Jonathan Greene, from the payment of a bill of cost. Passed Oct. 27th 1794.

IT is hereby enacted by the general assembly of the state of Vermont, That Jonathan Greene and his bail be, and they hereby are discharged from the payment of a bill of cost, which was taxed against the said Greene, at the adjourned term of the supreme court for Orange county, in February last, and for which an action is now pending before the supreme court in said county of Orange.

Jonathan Greene discharged from a bill of cost.

Provided.

Proviso.

Provided, The said Greene shall pay all costs which have arisen on the said action against him and his bail,



Passed Oct. 28,
1794.

An ACT in addition to an act, entitled an act, directing and regulating the levying and serving of executions.

Execution levied upon estate not belonging to the debtor, the creditor to obtain a *scire facias* against the debtor, to shew cause why an *alias* execution should not be issued.

IT is hereby enacted by the general assembly of the state of Vermont, That when an execution issued from any judgment rendered in this state, shall be levied on any estate, whether real or personal, for the purpose of satisfying such execution, and after the levying thereof it shall appear, that such estate levied upon, did not at the time of levying belong to the debtor, then, and in every such case, upon application of the creditor or creditors to one of the judges, or clerk of said court, or justice from whom such execution issued, such court or justice may order a writ of *scire facias*, to issue against such debtor, requiring him to appear before said court or justice, and shew cause, if any he has, why an *alias* execution should not issue against him upon such judgment.

The debtor neglecting to appear, or not shewing sufficient cause, an *alias* execution to issue.

And if such debtor, being duly summoned, shall neglect to appear, in obedience to such writ, or appearing shall not shew sufficient cause why an *alias* execution should not issue against him, the court or justice shall thereupon order and grant an *alias* execution against
sum

such debtor, including the sum for which the former execution was issued, with the legal interest on the same, together with the additional costs on the *scire facias*, with the costs of levying the former execution, in such cases, as it shall appear, that such property was turned out by the debtor.

Costs in what cases allowed

And where it shall appear, that the creditor turned out the property so failing, then and in that case the costs for levying, and the costs of the former execution, shall not be recoverable on such *scire facias*, and the estate so levied upon shall be wholly discharged.

Where not allowed.

Provided always, that in all cases where any judgment issued by a justice of the peace exceeds four pounds, such writ of *scire facias*, shall be brought before the county court, of the same county where such former judgment shall be obtained : As also, in such cases where such justice shall be dead, or out of office, at the time of the bringing such *scire facias*.

Where judgment exceeds four pounds, county court to hear the *scire facias*.

Also where the justice be dead or removed.

And,

II. *It is hereby further enacted*, That whenever any lands or other real estate shall be levied upon, appraised, and set off, to satisfy any execution, agreeably to an act entitled, "*An act directing and regulating the levying and serving of execution.*" That if the debtor shall within the term of six months, after such land or other

Where lands shall be levied and appraised to satisfy execution six months redemption allowed.

other real estate be appraised, and set off as aforesaid, pay unto the clerk of the court, or the justice-issuing such execution, and in whose office the same is directed by law to be recorded, the full sum for which such land or such real estate is appraised and set off, with the interest thereof, at the rate of *twelve per cent per annum*, it shall be the duty of such clerk or justice to receive the same, and make an entry of the receipt thereof, upon the record of such execution, and give the person praying the same, a certificate thereof, which certificate, being recorded in the records for deeds, where said execution with the officers return thereon is by law to be recorded, shall forever defeat any title to said land, or real estate, which may be derived by virtue of the levying said writ of execution, any law, usage, or custom to the contrary notwithstanding.

On paying the full sum and twelve & half per cent interest

Clerk or justice to receive the same and enter on record and grant a certificate.

Title to be defeated.

Provido.

Provided always, That in case the justice of the peace who shall issue such execution, shall be dead or out of office, at the returning of said execution, or at the time of paying such redemption money, such execution shall be returned, and such monies shall be paid to the clerk of said county, in which such justice lived, as above directed by this act.

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IT

An ACT constituting and establishing the persons therein named, as a company of artillery, to be annexed to the second brigade, in the second division of the militia of this state.

Passed, Oct. 25.
1794.

Whereas Samuel Walker, senior Robert Graham, Issacha Reed, John Cook, John Claghorn, Eleazer Claghorn, Ebenezer Muffey, Edward Muffey, Munson Cook, Samuel Walker, jun. William Baker, jun. Daniel Baker, Oliver Hickok, William Alvard, Asbur Southworth, William Hall, Uri Hill, Christopher Crofts, Christopher Webber, John Butler, Daniel Hickok, Sampson Ladd, Daniel Ladd, Hezekiah Dewey, Nathaniel Page, Robert Dinmore, David Dinmore, Ralph Pomeroy, Daniel Parsons, and Perez Cooper, inhabitants of the town of Rutland, in the county of Rutland, have associated and petitioned the legislature of this state, to be formed into a company of artillery, to be annexed to the second brigade, in the second division, of the militia of this state : And whereas it is expedient that a company of artillery be constituted in the town of Rutland, aforesaid : Therefore,

Problems

IT is hereby enacted by the general assembly of the state of Vermont, That the persons above named be, and they hereby are constituted and established a company

Company of artillery established in Rutland, to be annexed to the 2d brigade, & 2d division.

pany of Artillery, to be annexed to the second brigade in the second division, of the militia of this state, with powers of enlistment, and all and singular the powers, privileges and rights, which of right and by law belong to other companies of artillery within this state.

Piev. Co.

Provided nevertheless, That said company of artillery, without charge to government, mount and prepare for the field, to the acceptance of the commanding officer of said brigade, a certain piece of ordnance, new in said Rutland, the property of this state; which said piece of ordnance is hereby assigned to the use of said company.



Passed Oct. 23, 1794, *An ACT making a grant of land to Samuel Knight, esq.*

2000 acres of land granted to S. Knight, esq.

IT is hereby enacted by the general assembly of the state of Vermont, That there be, and hereby is granted to Samuel Knight, esquire, of Brattleborough, in the county of Windham, any such gore or gores, tract or tracts of land, as may be found ungranted, unlocated, and not legally appropriated, within this state, not exceeding two thousand acres in the whole.

And on the said Samuel Knight producing to the governor of this state, a survey of

of such gore or gores, tract or tracts, certified by the surveyor general, and the said surveyor general's certificate that the same is ungranted, unlocated and unappropriated as aforesaid, and paying to the treasurer of this state at the rate of three pounds for every hundred acres so surveyed, and certified as aforesaid, the Governor is hereby required to make out to the said Samuel Knight, a charter of the same, in the manner and form in which charters for like grants are usually made.

To pay 3l. for each 100 acres.

Governor to make a charter.

Provided, That this grant shall not extend to any lands settled upon by any person, unless by the mutual agreement of the forenamed grantee and such settler, any thing in this act to the contrary notwithstanding.

I. *Provide*.

Provided nevertheless, That this grant shall not enable the said Samuel Knight, esquire, to lay any claim to a certain gore or tract of land lying and being situated between Goshen, Hancock, Philadelphia, and Leicester.

II. *Provide*.



An ACT for raising a company of cavalry, in the second regiment, in the eighth brigade and first division, of the militia of this state.

Passed Oct. 28, 1794.

Whereas it appears to this legislature, *Preamble*, that

that by reason of the alteration of the lines, dividing the regiments in the eighth brigade and first division, of the militia of this state, there is no company of cavalry belonging to the second regiment in said brigade; and there being the quota of cavalry in said brigade as established by law, and it being judged expedient that there should be a company in said regiment. Therefore,

Liberty given to the commandant of the 2d. regiment in the 8th brigade to enlist a company of Cavalry.

I*T is hereby enacted by the general assembly of the state of Vermont,* That the commandant of said second regiment be, and he hereby is empowered, to enlist a sufficient number of men for a company of cavalry, and lead them to a choice of their officers.

And when said company shall be formed, agreeably to law, the same shall be annexed to the said second regiment.

And the officers and soldiers of said company, shall enjoy the same privileges, as the officers and soldiers of other companies of cavalry, within this state, are by law entitled to exercise and enjoy.

An ACT appointing Josias L. Arnold, esquire, one of a committee, to superintend the expenditure of a tax in Burke, in the place of Jonathan Arnold, esquire, deceased.

Passed Oct. 28,
1794.

IT is hereby enacted by the general assembly of the state of Vermont, That Josias L. Arnold, esquire, be and he is hereby appointed, one of a committee, to superintend the disposition and expenditure of a tax, of one penny on each acre of land, in the township of Burke, in the county of Orange, assessed by an act, passed at Bennington, anno domini one thousand, seven hundred and ninety one, in the place of Jonathan Arnold, esquire, deceased, with all the power, and under the same responsibility, as the said Jonathan was, by the act aforesaid.

Josias L. Arnold appointed a committee, in the room of Jonathan Arnold, to lay out a tax in Burke.



An act granting a tax of one penny, on each acre of land in the town of Berlin, for the purpose therein mentioned.

Passed Oct. 28,
1794.

SECTION I.

IT is hereby enacted by the general assembly of the state of Vermont, That there be and hereby is granted, a tax of one penny on each acre of land, in the township of Berlin, in the county of Orange, public

Tax laid on Berlin, of 1¢, per acre for clearing, &c. a road up the south branch &c.

Who to direct
the expenditure.

Committee.

Collector.

Collector and
committee how
governed.

(public rights excepted) for the purpose of clearing, repairing and building bridges, on a road leading up the south branch of Onion river, through said town of Berlin, to the town of Northfield, and also for repairing roads and bridges in other parts of said Berlin, as the committee hereinafter appointed, with the selectmen of said town, shall judge the most expedient and necessary to be done, for public benefit; which tax shall be laid out and expended, by and under the direction of Eleazer Hubbard, junior, John Parley, and John Taplin; who are hereby appointed a committee for that purpose.—And any justice of the peace within the said county of Orange, is hereby empowered to issue his warrant to Joshua Swan, to collect said tax, and said collector is hereby made accountable to said committee, for the amount of said tax;—And said collector and committee, are hereby directed to govern themselves, in the collecting, disposing, and accounting, for the monies raised by said tax, agreeably to an act, entitled, ‘an act regulating the disposition of monies, raised by tax, on the several towns, for the purpose of making and repairing roads, and building bridges, &c.’ passed March eighth, one thousand seven hundred and eighty seven, and an act in addition to said act passed October twenty fourth, one thousand seven hundred and eighty eight.—

And,

SECTION II.

It is hereby further enacted, That the collector of said tax be, and he hereby is empowered, to sell so much land of any delinquent owner, as will pay said tax, and legal cost, after advertising the same according to law.

Collector empowered to sell lands.

And,

SECTION III.

It is hereby further enacted, That if the owner of any land sold as aforesaid, shall pay or tender to said collector, within one year from the day of sale, the full sum for which such land was sold with legal costs, and twelve per cent interest thereon, the collector shall not execute any deed for such land, so redeemed, and the title shall not be conveyed by such vendue sale, and the collector shall pay the purchaser such money so by him received.

Lands how redeemed.

An ACT appointing a collector of a land tax in Johnson.

Passed Oct. 23,
1794.

Whereas Jonathan M'Connel, then of Johnson, in the county of Chittenden, was in the year one thousand seven hundred and ninety one, appointed the collector of a land tax of one penny per acre, on the township of Johnson, aforesaid, in and by the bill granting

Preamble.

granting and assessing such tax; And whereas the said Jonathan, previous to collecting any part of said tax, removed out of this state, by reason of which there is no person within this state, authorised to collect said tax; Therefore,

John M'Connel,
appointed a col-
lector of a land tax
in room of Jon-
athan M'Connel

IT is hereby enacted by the general assembly of the state of Vermont, That John M'Connel, of Johnson aforesaid, be and hereby is appointed the collector of the tax aforesaid, in the room of the aforesaid Jonathan.

And any justice of the peace in the county of Chittenden, is hereby authorized to issue his warrant to the said John, to collect the said tax, the same as he was directed, by the act granting said tax, to issue a warrant to the aforesaid Jonathan.

And the said new collector is hereby vested, with all the power and authority, and is in the same manner and respect directed, and made accountable in the collecting of said tax, as the said Jonathan was, in and by the act aforesaid.



Passed, Oct. 29,
1794.

An ACT empowering and directing the supreme court to amend a certain writ.

Whereas William Dean of Weathersfield,

field, in the county of Windsor, on the twenty fourth day of June, one thousand, seven hundred and eighty eight, caused a certain action of ejectment to be commenced, against Isaac Allen, of said Weathersfield, in which action the said William was lessor of the plaintiff, and was, through mistake called William Dean, of Windsor, in Windsor county, instead of William Dean, of Weathersfield, in said county; And whereas said William has moved the supreme court to amend his said writ, by inserting the word Weathersfield, instead of Windsor, and the said court ruled that they were not empowered by law to make the amendment: Therefore,

I*T is hereby enacted by the general assembly of the state of Vermont,* That the supreme court be and hereby are empowered and directed to amend said writ, by describing the lessor of the plaintiff, to be of Weathersfield, instead of Windsor, agreeably to the motion of the said William, made at Windsor county court, in March term, anno domini, one thousand seven hundred and ninety two.

Supreme court directed to amend a writ.

Provided, That said writ shall not be amended, till the said William has paid to the adverse party, all legal costs, which have arisen in said action.

Provided that costs are paid.

No cost to be
taxed against the
defendant previ-
ous to the amend-
ment.

And should the said William, finally prevail in said action, no cost shall be taxed against the defendant, which arose antecedent to the amendment.

Passed Octo. 29.
1794.

An ACT in addition to an act, entitled "An act, for the settlement of testate and intestate estates.

Preamble.

Whereas it has been represented to this assembly, that it may, and frequently doth so happen, that where two or more executors or administrators, are appointed, for the settlement of testate or intestate estates, and the assets and estate of the person deceased, fall into the hands of one of the executors or administrators of said estate, and the same is embezzled, wasted, and lost, to the great damage and injury of the other executor, or executors, administrator, or administrators, and no remedy by law being provided for the said executor, or administrator, damaged as aforesaid ;—Which evil to prevent,

Executors or
administrators,
aggrieved by
their colleagues
empowered to
prosecute.

IT is hereby enacted by the general assembly of the state of Vermont, That in every case where joint executors or administrators are appointed, for the settlement of testate or intestate estates, and disputes having arisen between such executors or administrators, as aforesaid, it shall and may

may be lawful, for either of the executors, or administrators, to enter and maintain their said action, against the other executor, or administrator, as aforesaid, in the county court of the county in which either of the parties shall reside.

And it shall be the duty of said court to hear and determine the same, according to the equity of the cause, any law, usage, or custom to the contrary notwithstanding.



An ACT in addition to an act, for the limitation of actions.

Passed, Oct. 29.
1794.

Whereas the reversal of judgments upon writs of error, brought to the supreme court a long time after the rendition of the same, is a dangerous practice, by reason of the witnesses being frequently out of the way, and not to be had. Therefore,

Preamble.

IT is hereby enacted by the general assembly of the State of Vermont, That no writ of error shall be sued out, prosecuted or maintained, against any person or persons whatsoever, upon any judgment, rendered in any court within this State, unless the said writ of error is duly prayed out, and served, within one year after the rendition of said judgment, up-

No writ of error to be sued out after one year from rendering judgment

on which the same is brought, any law, usage, or custom to the contrary, notwithstanding.

§§§§§§§§

Passed Oct. 29, 1794. *An ACT establishing the town officers in the towns of Burlington, Williston, New-Huntington and Jericho.*

Town officer in Burlington &c. to continue in office 'til 1795. **I**T is hereby enacted by the general assembly of the state of Vermont, That the several town officers elected at the March meeting, in the towns of Burlington, Williston, Newhuntington and Jericho, shall hold and exercise their respective offices, until the sixth day of March next, anno domini one thousand seven hundred and ninety five, notwithstanding the divisions of said town by act of legislation.

§§§§§§§§

Passed Oct. 29, 1794. *An ACT, in addition to and alteration of an act, regulating and governing the militia of this state, passed October twenty ninth, one thousand seven hundred and ninety three.*

SECTION I.

Brigadiergeneral empowered to annex the artillery company, to the regiment where raised. **I**T is hereby enacted by the general assembly of the state of Vermont, That the Brigadiergenerals, or commanding officers of brigades, shall have full power to annex the company of artillery, within

within their respective brigades, to the regiment out of which such company was raised.

SECTION II.

It is hereby further enacted, That every full company of artillery shall be entitled to one ensign, in addition to the officers heretofore allowed to said companies. Artillery companies allowed an ensign.

And,

SECTION III.

It is hereby further enacted, That the commanding officers of brigades shall have full power, in their respective brigades, to raise and organize one company of cavalry, in each regiment, where-to there is not one company already annexed, taking care to recruit the same as much as may be, out of the *exempts*, within the limits of said regiment; Commanding officers of brigades to raise one company of cavalry each regiment.

And,

SECTION IV.

It is hereby further enacted, That every non-commissioned officer and private in the cavalry, who is deficient on a muster-day, of a good horse, as required by law, shall pay a fine of four shillings, and for each article of other equipment required by law, in which he shall be deficient, a fine of sixpence, to be recovered by an action on the case, before any justice of the peace in the county where the delinquent dwells. Fines for delinquents in the cavalry companies.

And,

SECTION

SECTION V.

No fine to be recovered of a person unless he has been in the state a year, & in the company six months.

It is hereby further enacted, That no fine shall be recovered of any delinquent, for the deficiency of arms or accoutrements, until he shall have resided within this state twelve months, and within the company in which he is enrolled, or enlisted, six months, any law or custom to the contrary notwithstanding. And,

SECTION VI.

Captain B. Fassett's, company of cavalry to be an independent company.

Where to recruit

It is hereby further enacted, That the company of cavalry now raised in Bennington, commanded by Capt. Benjamin Fassett, be, and they are hereby, declared to be, an independent company, with the right of recruiting from time to time in the towns of Bennington & Shaftsbury, to complete said company in number, and shall be under the immediate command of the officer commanding the first brigade in the second division.

Capt. Z. Hyde's company of cavalry to be an independent company.

Where to recruit.

And that the company of cavalry now raised in the town of Putney, commanded by Capt. Zenas Hyde, be, and they hereby are declared to be, an independent company, with the right of recruiting from time to time, in the town of Putney, so as to keep said company compleat in number :—said company to be under the immediate command of the commanding officer of the eighth brigade, of the militia of this state.

And

And said companies shall make their returns to the commanding officer of said brigades, and be subject to all such laws and regulations, as the other companies of cavalry, in this state, not incompatible with their being such separate corps, as aforesaid.

To make return to the commanding officer of brigade.

And all commissioned officers, who shall be hereafter appointed in either of said companies, shall be accordingly commissioned.

Commissions.

Provided, That the said companies shall not enlist from any companies or corps, otherwise than is provided for other companies of cavalry in this state. And,

I. *Provide*.

Provided also, That the said companies shall be subject to be detached, or drafted, or otherwise called upon, by the commanding officers of their respective brigades, in the same manner as other companies of cavalry are, who are annexed to regiments: And,

II. *Provide*.

VII. *It is hereby further enacted*, That when any non-commissioned officer or private, shall forfeit any sum of money, set or affixed to any default, or offence, by the aforesaid act, *regulating the militia of this state*, of the sum of four pounds or under, the same shall be sued for and recovered by the orderly serjeant, by an action on the case, before any justice of the

All fines of non-commissioned officers and soldiers to be recovered by the orderly serjeant before a justice of the peace.

the peace proper to try and determine the same, whose duty it shall be to proceed, in the same manner as justices of the peace are directed; in the trial of civil actions. And,

21st section
the militia law
repealed.

VIII. *It is hereby further enacted*, That all that part of the act aforesaid, regulating the militia of this state, contained in the twenty first section thereof, be and hereby is repealed. And,

Noncommissioned
officers and
soldiers polls
freed from state
taxes.

IX. *It is hereby further enacted*, That all non commissioned officers and privates, subject to military duty, in the militia of this state, be exempted from paying state taxes on the list of their polls, hereafter to be taken.



Passed Oct. 29,
1794.

An ACT in addition to an act, entitled, "an act granting leave to Anthony Haswell, to raise the sum of two hundred pounds by lottery, to repair injuries by him sustained, in the destruction of his printing apparatus and other property, in Rutland, by fire.

Preamble.

Whereas it is represented that it is necessary to have an addition to the managers of said lottery. Therefore,

Daniel Harmon,
added to the man-
agers of the lot-
tery, &c.

I*T is hereby enacted by the general assembly of the state of Vermont*, That Daniel Harmon be, and he hereby is appointed

an additional manager to said lottery, and, with the managers heretofore appointed, is made accountable in the same way and manner as is provided in the act granting said lottery.



An ACT to continue in force until the rising of the general assembly, in October next an act entitled, "an act to suspend prosecutions against Edmund Willis of Woodstock, in Windsor county," passed the thirty first day of October one thousand seven hundred and ninety three.

Passed 26. 29.
1794.

Whereas it is represented that the said Edmund Willis is unable to pay his just debts, and that instead of an act of insolvency it would be advantageous to his creditors to have the said act continued in force another year.—

Preamble.

Therefore,

I*T is hereby enacted by the general assembly of the state of Vermont, That the said act, entitled "an act to suspend prosecutions against Edmund Willis, of Woodstock, in Windsor county," be and the same is continued in full force and effect, until the rising of the general assembly in October next.*

An act in favor of E. Willis continued in force.

Provided nevertheless, That if the said
L **Edmond**

Proviso.

Edmund Willis shall not within twenty days enter into bonds, with sufficient sureties, agreeably to the mode described in said act, that he will not waste, transfer, or squander any of his estate, real or personal, directly or indirectly, to defraud his creditors within said term, that this act shall not be a bar to any civil prosecution already commenced, or which may at any time hereafter be commenced against him.



Passed Oct. 23,
1794.

An ACT ratifying the doings of a meeting of the proprietors of the township of Navy.

Preamble.

Whereas Josias L. Arnold, esquire, agent for the proprietors of Navy, has prayed this assembly, that the doings of a meeting of said proprietors, holden at Providence, in the State of Rhodeisland, on the sixth day of August, anno domini, one thousand seven hundred and ninety four, may be ratified and made valid :—And whereas the said proceedings appearing fair and candid, it is presumed no injustice can in this respect take place. Therefore,

IT is hereby enacted by the general assembly of the state of Vermont, That the proceedings of a meeting of the proprietors of the township of Navy, in the county of

of Orange, holden at Providence, in the state of Rhodeisland, on the sixth day of August, anno domini one thousand seven hundred and ninety four, at which meeting a draught of the rights in said township was made, be and they are hereby confirmed and established, as valid to all intents and purposes, as though said meeting had been holden agreeably to the laws of this state, any law, usage or custom to the contrary, notwithstanding.

The doings of a proprietors meeting of the town of Navy holden at Rhodeisland established,



An ACT granting a tax of one penny per acre, on the town of Johnson, and two pence per acre on Coit's Gore, for the purpose therein mentioned.

Passed Oct. 21, 1794.

I. **I**T is hereby enacted by the general assembly of the state of Vermont, That there be, and hereby is granted a tax of one penny on each acre of land in the township of Johnson, and two pence on each acre of land in the tract called Coit's Gore, both in the county of Chittenden, public rights excepted, for the purpose of making and repairing roads and building bridges through said town and gore : to be expended by the order, and under the direction of William Coit, of Burlington, Joseph Baker of Bakersfield, John Wier, of Johnson, aforesaid, and Daniel Coit of said Johnson, who are hereby appointed a committee for that purpose.

Penny tax on Johnson.
2 penny tax on Coit's Gore.

Committee.

Collector.

And any justice of the peace within the county of Chittenden, is hereby empowered to issue his warrant to the said William Coit of Burlington, to collect said taxes.

Collector to account,

And said collector is hereby made accountable to said committee, for the amount of said taxes.

Collector & committee how governed.

And said collector and committee are hereby directed to govern themselves in collecting, disposing and accounting for the monies raised by said taxes, agreeably to an act entitled "an act regulating the disposition of monies raised by tax on the several towns, for the purpose of making and repairing roads, and building bridges, &c." passed March eighth, one thousand, seven hundred and eighty seven, and the act in addition to said act, passed October 24th, one thousand seven hundred and eighty eight.

Collector empowered to sell land.

II. *It is hereby further enacted*, That the collector of said taxes be, and he hereby is empowered to sell so much land of any delinquent owner, as will pay said tax and legal costs, after advertising the same according to law. And,

Lands sold how redeemed.

III. *It is hereby further enacted*, That if the owner of any land in either said town of Johnson or Coit's Gore, sold as aforesaid, shall pay or tender to said collector, within one year from the day of sale, the full

full sum for which such land was sold, with legal costs, and twelve per cent interest thereon, the collector shall not execute any deed for such land so redeemed, and the title shall not be conveyed by such vendue sale, and the collector shall pay the purchaser such money so by him received.



An act in addition to an act, entitled, "An act regulating proprietors meetings," passed March ninth, one thousand seven hundred and eighty seven.

Passed Oct. 29,
1794.

Whereas it sometimes happens, that a major part of the rights or shares of land in some towns in this state are owned by one or a few individuals, who from private views, may obstruct a division of lands, in the mode already provided by law, to the great injury of the minor part of the owners :—
Therefore,

SECTION I.

It is hereby enacted by the general assembly of the state of Vermont, That on application of one sixteenth part of the proprietors, of any town, or other lands granted unto or owned by proprietors, as tenants in common, to be divided to and among them, to one of the judges of the supreme court, such judge shall sign a notification to the proprietors and land

On application of one sixteenth part of the proprietors,

OWNERS

A judge of the Supreme Court to sign a notification for the proprietors to appear at the next supreme court, &c.

owners, of such town, or other lands as aforesaid, to appear at the next supreme court to be holden in the county where the said lands shall lie, and show cause, why a division of such lands shall not be made by the said court, according to the true intent of their grant.

Notification to be published in all the newspapers six weeks.

Which notification shall be published in all the public newspapers in this state, six weeks successively, the last of which publication shall be at least four weeks before the sitting of the said court.

Court to appoint 3 freeholders to make a division, who shall be sworn.

And if no sufficient legal reason shall be shown to the contrary, the court shall appoint three able and indifferent freeholders as commissioners, under the seal of the court, to make a division of the said lands, who shall be sworn to the faithful discharge of their trust.

Commissioners to appoint a surveyor and chainmen.

To set apart lands sufficient to defray the expence

And the said commissioners shall by a skilful surveyor and chainmen under oath, after having set apart such portion thereof as they shall judge, will be sufficient to defray all the expences of such partition, cause the residue of said land so to be divided as aforesaid, to be surveyed in one or more lots to each proprietary share, public rights if any there be, included, in such manner as equal justice shall require, so as to make the several shares to be divided as nearly equal in value as may conveniently be.—

And

To divide the remainder.

And if there shall be several lots laid to any proprietary share, the lots shall finally be denominated by several divisions, according to the number of lots, to each share, that when the commissioners shall have completed the surveying and allotting the tract so to be divided by them as aforesaid, they shall cause an accurate map, and field book, specifying the bounds of every lot, to be made and signed by their surveyor and chainman, which lots shall be numbered in one or more divisions as the case may be—after which they shall give notice four weeks successively, in one of the newspapers printed in this state, requiring all persons interested, to attend at a particular time and place to be in such notification mentioned, to see the allotments balloted for, at which time and place, the said commissioners having made as many tickets as there are allotments, including public rights if any there be, with the number of an allotment written on each of said tickets, and as many tickets as there are proprietors, with the name of a proprietor, or title of a public right, written on each ticket, the tickets of names shall be put into one box, and the tickets of numbers into another.

If more than one division of a share, the division to be denominated accordingly.

Field book & map to be made.

Lots numbered,

The time and place for making a draft of the allotments to be published four weeks.

Made of making the draft or balloting for the allotments.

And one of the commissioners, or some person by them appointed shall immediately proceed to draw a ticket of the names, and then a ticket of the numbers

bers, and enter on the map the name of the proprietor or title of the public right in the allotment on the map, corresponding with the number drawn.

And thus proceed till the tickets are all drawn.

And the allotment on the map bearing the number of the ticket drawn next after drawing the ticket with the name, shall be the separate and divided share of such proprietor in the lands so divided, and all persons holding under him or her.

Commissioners to make entry of all their proceedings in a book, which shall be filed in the clerk's office, where returns are to be made.

Of which balloting, and all the proceedings in such partition, the said commissioners shall make a full and fair entry in a book, which book, together with the map, and field book, and certificates of their being duly sworn, shall be returned to the court, at their next term, where the cause shall be depending, and be filed with the clerk of said court.

And unless sufficient reason shall be shown to the contrary, the said division shall be ratified by the said court.

Which book or office copies to be good evidence of the partition.

And thereafter forever remain firm and valid in law; which books or office, copies thereof shall be good evidence, of such partition in every court of record in this state. And,

SECTION

SECTION II.

It is hereby further enacted, That the said commissioners be, and they are hereby empowered, when they shall judge it reasonable, to set off to any person settled upon or improving any part of said lands, the lands so settled upon or improved, in lieu of such person's draft, on the right, or rights, or part thereof, owned by such person. And,

C. m's empowered to set off to settlers &c. their settlements &c.

SECTION III.

It is hereby further enacted, That the said commissioners, shall proceed to sell the lands set apart, as aforesaid, to defray the expences of the said division, and shall keep and render account of their proceedings to the said court, and the said court, shall proceed the same in the same manner as is directed in an act, entitled "*an act for the partition of lands.*"

C. m's to sell the lands set off for defraying the expence.

And if any of the said commissioners shall die before they shall have completed their business, as aforesaid, their powers shall vest in, and be exercised by the survivors or survivor agreeably to a prescription made in said act.

SECTION IV.

Provided nevertheless.

I. Prov.

And be it further enacted, That if at any time hereafter a process shall be brought

bro't before the supreme court, agreeable to this act, that on the proprietors records and other records being produced to said court, they shall find that a division has been made in whole or part, by drawing or pitching land, agreeable to the votes of the proprietors, or regular customs existing at the time such division was made, that the order of such court, or power of the commissioners, shall not extend to alter or affect such allotments, but the court shall order a field book, made in such manner as to establish such division in whole or part, according to such allotments, to be lodged in the town clerk's office, in such town, with the doings of the commissioners.

And,

II. *Provido.*

Provided also, That where actual settlement and occupancy, is made on any lot or lots pitched by vote of the proprietors, or legal vendue pitch, such settler/or occupant, shall hold the lot, or lots, on which he or she is so settled, or improvements made on them in lieu of his or her part, otherwise to be set off by said commissioners.

III. *Provide.*

Provided also, That in any town or towns, that have been divided in part, or in whole, by pitching or drafting, under the votes of the proprietors, and
the

the survey bills and plan has been kept open to the view of the proprietors, no commissioners shall be appointed.



An ACT annexing the town of Starkesborough in the county of Chittenden, to the county of Addison. Passed, Oct. 29, 1794.

I*T is hereby enacted by the general assembly of the state of Vermont, That the town of Starkesborough, in the county of Chittenden, be, and the same is hereby annexed to the county of Addison, and the inhabitants of said town shall enjoy the same privileges and be under the same restrictions, as other towns in the said county of Addison, by law are.* Starkesborough annexed to Addison county.

Provided nevertheless, that all processes, recognizances, suits and actions, and every other matter now pending or shall hereafter be commenced, until the first day of December next, before the supreme and county court, in said county of Chittenden, wherein any of the inhabitants of said town are concerned, shall be taken up, entered, tried, and finally determined, in said county of Chittenden, the same as though the said town was not by this act annexed to the county of Addison. Provida.



Passed Octo. 29. 1794. *An ACT altering the time for the setting of the county court, in the county of Chittenden.*

Preamble.

Whereas the times directed by law, for the sitting of the county court in the county of Chittenden, is such, that the business before said court, cannot be properly attended to, without interfering with the business of the court in the county of Addison.

Therefore,

SECTION I.

Time of sitting of Chittenden county court altered.

IT is hereby enacted by the general assembly of the state of Vermont, That hereafter the times for the sitting of the county court, in the county of Chittenden, shall be on the last Monday save two in September, and on the last Monday save one in February annually.

And,

SECTION II.

Suits pending how to be tried.

It is hereby further enacted, That all suits now pending before said court, and all processess brought or to be hereafter brought before said court, shall be entered, heard and tried in said court, on the times mentioned in this act, in the same manner, as they would have been heard and tried on the times heretofore, established by law for holding said court.

An



An ACT to suspend the collection of a certain note executed by Abel Spencer, and James Claghorn, for about thirty nine pounds, to the treasurer of the state of Vermont, for the payment of a fine and cost, laid and taxed against Solomon Spafford, for the term of one year from the date hereof.

Passed Oct. 30,
1794.

I*T is hereby enacted by the general assembly of the state of Vermont, That the Attorney General of the state of Vermont be, and hereby is directed to suspend the collection of a note executed by Abel Spencer and James Claghorn, to the treasurer of the state of Vermont, for the payment of a fine and cost laid and taxed upon Solomon Spafford, of Clarendon, until October, in the year one thousand, seven hundred and ninety five.*

Prosecution
suspended in fa-
vor of the state
vs Abel Spen-
cer and James
Claghorn.



An ACT for levying a tax on Windsor county.

Passed, Oct. 30.
—1794.

Whereas it appears to this legislature that it is necessary to levy a tax on the county of Windsor, for the purpose of paying the debts of said county, and making some necessary repairs on the goal in Woodstock.

Preamble.

SECTION I.

Windsor [count-
ty tax of 1-2 Pen-
ny on the pound
on the list of
1794.

I*t is hereby enacted by the general assembly of the state of Vermont, That a tax of one half penny on the pound be, and hereby is granted on the list of all the polls and rateable estates of the inhabitants of the county of Windsor, for the year one thousand seven hundred and ninety four, to be collected and paid into the treasury of said county, by the first day of June next. And,*

SECTION II.

County treas'r
to issue his war-
rants to first con-
stables to collect
said tax.

Collectors fees
&c.

It is hereby further enacted, That the treasurer for the county of Windsor shall issue his warrants to the first constables of the several towns in said county, for the collection of said tax, by the first day of January next, who shall have the same powers and fees as are given to collectors of state taxes. And,

SECTION III.

Judges of the
county court to
repair the goal
in Woodstock.

It is hereby further enacted, That it shall be the duty of the judges of the county court for said county of Windsor, or either two of them, to superintend the repairs to be made upon the goal in Woodstock, as the monies raised in the tax above mentioned will enable them to do, after the necessary debts of said county are discharged.

An ACT granting to Eliakim Spooner the sum of forty two pounds, nine shillings and three pence.

Passed Oct. 30,
1794.

Whereas it appears to this assembly, that Asa Douglas has recovered in a suit before the supreme court of this state, which he commenced against the said Spooner, for lands which were confiscated by this state, and sold by Thomas Chandler, commissioner of sales to the said Spooner. Therefore,

Preamble.

IT is hereby enacted by the general assembly of the state of Vermont, That the treasurer be, and he hereby is directed, to pay unto the said Eliakim Spooner, the sum of forty two pounds, nine shillings and three pence.

Treasurer directed to pay E. Spooner 42l 9s 3d



An act for the more speedy settlement of controversies.

Passed Oct. 30,
1794.

IT is hereby enacted by the general assembly of the state of Vermont, That when any two or more persons having controversies subsisting between them, in which the title of land is not concerned, shall make application to any justice of the peace, within this state, such justice is hereby authorized and empowered, to issue his rule to three or more persons mutually agreed upon by the parties, as referees, empowering them

Mode of appointing referees

Justices to issue a rule.

Acts and Laws of

them to proceed to notify the parties, and to hear and determine the matters submitted by said rule.

Where matters in demand are under £12 the report to be made to the justice, and if approved to be final.

And where the matters in demand do not exceed twelve pounds, they shall by the rule and order thereon, from the said justice, be directed to report to the said justice, at a time and place by him therein specified, which report of the said referees, or a majority of them, made in writing under their hands, and delivered to the said justice, by the time in his said order expressed, and by him approved, and recorded, shall be conclusive and final, between the parties, touching the matters so submitted, and execution shall issue accordingly.

Executions to issue.

And,

Where demand is over £12, report to be made to the next county court.

2. *It is hereby further enacted*, That where the matters in demand so referred, shall exceed the sum of twelve pounds, it shall be the duty of the justice, to issue his rule and order, to the referees so mutually chosen, to make report to the next county court, within the same county, where such justice resides, whether it be an adjourned or stated session thereof, which report if approved by the county court, shall be recorded, and be conclusive and final between the parties, touching the matters so referred, and execution shall issue thereon, in the same manner as when a rule is originally issued from said court.

If approved to be recorded and final.

And,

Form of rule and order.

3. *It is hereby further enacted*, That the following be the form of the rule, and order thereon, as nearly as circumstances will admit.

State

State of Vermont }
 fs } To A. B., and C. of

Greeting.

WHEREAS E—— of ——, and F—— of ——, have mutually agreed to submit by rule of court, agreeable to the statute, in such case made and provided, —— being matters of controversy between them, (together with all demands, *if the parties agree,*) to the determination of you the said A—— B—— and C——; and that you the said A—— be chairman, that you appoint the time and place of meeting, and notify the parties, and if the parties do not appear on due notice, that you the said A—— B—— and C—— proceed *ex parte*, and that the decision of a majority of you shall be final. And whereas the said E—— and F—— have made application in writing, under their hands, of this date, to me G—— M—— one of the justices of the peace, within and for the county of —— that I make the same a rule of my court, I do therefore hereby authorize and empower you the said A—— B—— and C—— to proceed as referees, between the said parties, agreeably to the rule aforesaid, and to cause the report by you made in writing, under the hands of those of you, who shall agree, (if returnable before the justice) to be returned to me at —— dwelling house in —— in the county of —— on the —— day of —— at —— o'clock —— noon to which time and place, this court will

If returnable
 before a justice.

If before the
county court.

stand adjourned, for the purpose of receiving
said report, and rendering judgment thereon ac-
cording to law. (If returnable before the coun-
ty court,) to be returned into the county court
next to be holden at ——— within and for the
county of ——— on the ——— next.

Given under my hand at ——— this ———
day of ——— A. D. 179

G—— M—— Justice of the Peace.



*An ACT directing the judges of Windham
county court, to continue a certain action
therein described, until after the rising of
the next session of the Legislature.*

Passed Oct. 30,
1794.

Preamble.

Whereas an action was commenced by
Samuel Mattocks, esquire, treasurer of
this state against Timothy Church of
Brattleborough, in the county of
Windham, and entered on the doc-
quet of said court, at the last June
term, on a note of hand made to the
treasurer of this state, some time in
the year of our Lord, one thousand
seven hundred and eighty three, and
executed by the said Timothy, togeth-
er with one Silas Robinson, for the
sum of twenty pounds and ten pence.
And whereas it is represented to this
assembly, that the whole, or a part of
said note has long since been paid to
this

this state. And whereas this assembly are disposed to do equal right and justice to its citizens,—Therefore,

I*T is hereby enacted by the general assembly of the state of Vermont,* That the judges of Windham county court be, and they are hereby instructed and directed to continue said action, in said court, until after the rising of the next session of the General Assembly, without any other or further costs to the said Timothy Church than what has heretofore accrued, excepting the county clerk's fees for the continuance of said action.

The cause the
state vs Timo-
thy Church and
Silas Robinson
to be continued.



*An ACT in addition to an act entitled,
“ An act for mending and clearing high-
ways.”*

Passed Oct. 30,
1794.

Whereas by said act the several surveyors of highways are empowered to order out such number of men as shall be found necessary, to mend the highways on extraordinary occasions. And also made it the duty of such surveyors, when the roads are so blocked up by snows as to render passing difficult, to order out the people in their respective districts. And whereas by the said act there is no penalty annexed, for the neglect either of surveyors or persons by them warned, for any of the purposes aforesaid; by reason whereof the beneficial

Preamble.

beneficial purposes of said act, in those respects are often defeated. Therefore,

SECTION I.

Surveyors of highway neglecting after notice to order out men to clear roads to forfeit £3.

I*t is hereby enacted by the general assembly of the state of Vermont,* That any surveyor who shall, after notice of any of the impediments mentioned in the paragraph of said act, pointing out the surveyors extra duty, neglect for more than the space of 12 hours to call out such part of the people of the district to which he belongs, as he may think necessary, to remove any or either of the obstructions contemplated in said act, he shall forfeit and pay the sum of three pounds, one half thereof to the treasurer of the town, to be drawn out by the selectmen, and by them delivered over to, and appropriated by the next surveyor, of said district, in repairing the roads in the same district, in the same manner as monies so to be paid over by said act are to be appropriated, and the other half with costs, to the person prosecuting the same to effect. And,

SECTION II.

It is hereby further enacted, That whenever any person whose name is in the rate bill of such surveyor, after being by said surveyor warned to attend to any of the businesses aforesaid, shall neglect or refuse to comply with said requisition, the person

person or persons, so neglecting or refusing shall forfeit and pay the sum of twenty shillings, to be recovered and appropriated in the same manner as heretofore in this act directed, in case of the neglect of a surveyor. And,

Persons warned by the surveyor and neglecting, to pay a fine of 20s.

SECTION III.

It is hereby further enacted, That the persons so called out, and laboring for any of the reasons aforesaid, shall be allowed one shilling per day more, than by law allowed, for laboring on the highways at other times, and if they are not in arrear for highway rates, the same shall be carried forward and credited to them on the next succeeding rate.

Persons working on extra occasions to have 1s in addition to the pay allowed by law.



An ACT directing the uses of the rights of land in this State, heretofore granted by the British government, as glebes for the benefit of the church of England, as by their law established.

Passed Oct. 30th 1794.

Whereas by the first principles of our government, it is contemplated, that all religious sects and denominations of christians, whose religious tenets are consistent with allegiance to the constitution & government of this state, should receive equal protection and patronage from the civil power. And whereas it is contemplated, in the grants heretofore made by the british government,

Preamble.

government, commonly called *glebe rights*, that the uses of said rights should be, to the sole and exclusive purpose of building up the national religion of a government diverse from and inconsistent with the right of our own, for which reason, and on the principles of the revolution, the property of said lands are vested in this state. Therefore,

Glebe rights granted to the several towns for the support of religious worship.

IT is hereby enacted by the general assembly of the state of Vermont, That the rights of land in the several towns in this state heretofore granted, under the authority of the British government, as glebes, for the use of the church of England, as by law established, be and they hereby are granted to the several and respective towns in which such lands lie, to the use, and for the sole purpose of appropriating the rents and profits of such lands, to and for the support of religious worship in such towns forever.

How rents are to be appropriated

The said rents and profits to be distributed, in towns where there may be more than one resident religious teacher, for the support of such teachers, in proportion to the number of rateable polls belonging to the respective congregations, and residents in such towns.

Selectmen's duty in collecting.

And that it shall be the duty of the selectmen of the respective towns where such lands lie, in the name and behalf of such

such towns, by action of ejectment on the demise of the selectmen of such towns respectively, to obtain possession of and lease out such lands, for a term not exceeding fourteen years, at any one time.

And they shall have power to demand, recover, and receive the rents and profits arising from such lands, and shall from time to time pay the same into the treasury of such town, which sums so collected and paid as aforesaid, after satisfying such reasonable demands as said selectmen may justly have for their trouble and expence in said business, adjusted and voted by such town, shall be paid out by order of the selectmen, for the purposes and in the proportions herein before expressed.

Selectmen to pay into the treasury, after deducting reasonable demands as voted by the town.



An act in addition to an act, entitled, 'an act for the incorporating a part of the towns of Newhaven, Panton and Ferrisburgh' passed October twenty third, one thousand seven hundred and eighty eight.

Passed Oct. 30,
1794.

Whereas it is represented to this legislature, that the freemen of the city of Vergennes, are not empowered by any existing law, to choose constables, collectors of state taxes, sealers of weights and measures, &c. And whereas there is no mode pointed out by law, for the removal, or for supporting the

Preamble.

Acts and Laws of
the poor in said city. And whereas
it is represented, that the act incorpor-
ating said city is deficient in other re-
spects.

To remedy which.

SECTION I.

The freemen of
the city of Ver-
gennes empow-
ered to choose
town officers.

IT is hereby enacted by the general assembly
of the state of Vermont, That the
freemen of said city, be, and they are
hereby empowered, at their meeting in
July annually, to choose one or more
constables, listers, sealers of weights and
measures, leather sealers, surveyors of
highways, pound keepers, fence viewers
& all such other legal town officers, as they
may judge expedient, which officers shall
be under oath, for the faithful perform-
ance of their duty, and shall be in every
respect governed by the laws of this
state, and the bye-laws of said city.

Officers power.

And shall have all the powers, with-
in said city, which other like town offi-
cers have, in their respective towns.

First constable
to be collector
of state taxes,
and undersheriff.

And the first constable of said city
shall be collector of state taxes. And
shall serve all writs, processes and exe-
cutions, on the sheriff of said city, for
matters of delinquency in his office, and
shall also have the same powers, with-
in the city as under sheriffs have in their
respective counties.

And,

SECTION

SECTION II.

It hereby further enacted, That the common council of said city, shall have all the powers within said city, that the select men by law have in their several towns.

Common council to have the same powers as select men.

SECTION III.

It is hereby further enacted, That all the laws, of this state respecting transient, idle, impotent and poor persons, shall be in full force, in said city.

Respecting removal & taking care of city-poor &c.

And the mayor, or either of the aldermen, of said city shall have all the powers, respecting granting warrants for removal, and for other purposes respecting such transient, idle, impotent, and poor persons, which are by law given to justices of the peace, within their respective counties.

Power of mayor and aldermen.

And the sheriff and constables of said city, shall have all the powers in transporting such persons from said city, when directed by a warrant from the mayor, or an alderman, or a justice of the peace, resident in said city, which are by law given to the several constables, within this state.

Sheriff's and constables power

And,

SECTION IV.

It is hereby further enacted, That there shall be kept, and maintained in good

A goal to be kept and maintained in said city.

and sufficient repair, a common goal in said city, for the commitment, of all city prisoners, and also all other prisoners, who may be sent to said goal, from any of those counties in which there shall not be a good and sufficient goal, the whole expence of repairing which goal, when there shall be occasion, shall be defrayed by a tax, assessed on the list of said city, (unless otherwise provided for,) which tax shall be assessed from time to time, as there may be occasion, by the court of common council, of said city.

City sheriff to
goalers with power
of deputation.

And, the sheriff of said city, shall be keeper of said city goal, with full power of deputation.

Sheriff and city
liable for escapes

And the said sheriff and city, shall be liable to answer all damages, for escapes from said city goal, in like manner, as the several sheriffs and counties in this state are by law made liable for escapes from county goals.

Goal yard.

And the goal yard of said city, shall be described and limited by the common council of said city.

Exempted from
paying county
charges.

And the said city is hereby exempted from paying any county charges, for the building and supporting of, or for any escapes from any county goal, after the completion

completion of the goal aforesaid in said city, to the acceptance of the city court of said city. And,

SECTION V.

It is hereby further enacted, That the first constable and the other town officers, chosen by the inhabitants of said city of Vergennes, at the annual townmeeting in March last past (excepting the town-clerk, treasurer and selectmen) be and hereby are continued in office, and authorised and empowered, to execute their respective offices within said city, until the annual meeting of the freemen of said city in July next.

Town officers chosen in 1794 continue in office until July 1795.

And

SECTION VI.

It hereby further enacted, That there shall be allowed an appeal from the judgment of a mayor, or alderman, or a justice of the peace within the limits of said city, in all cases wherein an appeal is by law allowable, from the judgment of a justice of the peace, to the city court, in the mode pointed out by law, for appealing from the judgment of a justice of the peace to a county court.

Appeal from the mayor or an alderman and justice of the peace to the city court.

And the said city court shall hear and determine such appeals, in the mode pointed out by law for determining appeals from

City court to hear and determine appeals.

from a justice of the peace to the county courts.

Appeals from the city court shall be to the next supreme court in Addison county.

And all appeals from the city court, which shall be hereafter made, shall be to the then next session of the supreme court, in the county of Addison,
And,

SECTION VII.

City court to have cognizance of all criminal offences cognizable before a county court,

It is hereby further enacted, That the said city court, shall have cognizance, of all criminal offences committed within the limits of said city, which are by law cognizable, before the several county courts in this state.

And the mayor & alderman to have cognizance of criminal offence in like manner as justice of the peace.

And the mayor of said city, or either of the aldermen shall have the same powers, in criminal offences, committed within the limits of said city, as the justices of the peace in this state by law have.

Fines &c. to be paid to the city treasurer.

And all fines and forfeitures arising from the breach of any penal or criminal law, cognizable as aforesaid, shall be paid into the treasury of said city. And,

SECTION VIII.

On the death or removal, or resignation of mayor, &c. the freemen of said city to choose an officer to supply such vacancy.

It is hereby further enacted, That on the death, removal, or resignation of the mayor or either of the aldermen, sheriff, or clerk of said city, the freemen of said city, in a meeting warned for that purpose, may, by an election, supply such vacancy

vacancy or vacancies, until the next annual meeting of said city.

Provided nevertheless, That nothing in this act shall be construed in any wise to effect the tax already assessed, on the county of Addison, for building a gaol in said county,

Provide.



An ACT in addition to an act entitled "an act relative to the people called quakers." Passed Oct. 30. 1794.

Whereas sundry other persons besides quakers are conscientiously scrupulous of taking an oath : Therefore,

Preamble.

I*T is hereby enacted by the general assembly of the state of Vermont,* That all persons, who are religiously scrupulous of taking an oath, shall be admitted to the quaker's affirmation, with the same privileges, and under the same penalties, as by said act is provided and enacted relative to quakers.

Persons religiously scrupulous to take an affirmation in lieu of an oath.



An ACT appointing commissioners to settle with the treasurer, &c. &c. Passed, Oct. 30. 1794.

Whereas the greatest exactness and regularity in the treasury department is absolutely necessary, that the state of the finances of this state may be accurately known.

Preamble.

IT

Commissioners
appointed to set-
tle with the
treasurer.

IT is hereby enacted by the general assembly of the state of Vermont, That Isaac Tichenor, Roswell Hopkins, Amasa Paine and David Wing, jun. Esquires, be, and they hereby are appointed commissioners, with full and compleat power, to make a settlement with the treasurer of this state, in behalf of said state.

Also to settle
the accounts be-
tween the treas-
urer and the sev-
eral sheriffs and
constables, &c.

And a settlement between the said treasurer and all sheriffs, constables and towns who have not heretofore made such settlement, and report their doings to the legislature of this state, at their session in October next,

To meet at
Rutland.

To publish three
months previous
to their meeting.

And it shall be the duty of such commissioners, to meet on the business of their appointment in Rutland, in the county of Rutland, at such time as they shall think convenient, and said commissioners shall, at least three months before their meeting, notify all persons concerned to bring in their accounts, receipts and vouchers to said commissioners, for a full settlement with the said treasurer, which notification shall be published in the several newspapers printed in this state, six weeks successively.

Sheriff's &c.
neglecting to
produce receipts,
&c. to be de-
barred.

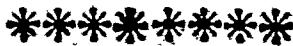
And any sheriff, constable, or town, neglecting to produce their several receipts, &c. to said commissioners, agreeably to said advertisement, shall be forever debarred thereafter, from any benefit, from any claims, demands or receipts.



An act enabling the several towns in this state Passed Oct. 30,
to make laws restraining sheep from run- 1794.
ning at large.

IT is hereby enacted by the general assembly
of the state of Vermont, That the sev-
eral towns in this state, at their annual
March meetings be, and they are here-
by empowered to make such laws, to
prevent sheep from running at large, on
the commons or highways, in their sev-
eral towns, after notifying the same, in
their warning for such meeting, as shall
best answer the interest of said towns,
any law to the contrary notwithstanding.

Towns empow-
ered to make
laws to prevent
sheep from run-
ning on com-
mons.



An act in addition to an act, entitled 'an act
defining the powers of the supreme and Passed, Oct. 30,
county court.' 1794.

Whereas the times limited for the sitting
of the supreme court of this state
allow but one week in each county,
which is found insufficient for com-
pleting the business, ordinarily bro't
before them, at their stated annual
terms. **Preamble.**
Therefore,

SECTION I.

I*t is hereby enacted by the general assembly of the state of Vermont,* That in future the times and places for the annual sitting of the supreme court, shall be as follows, viz. at Newfane in the county of Windham, on the first Tuesday of August—At Woodstock in the county of Windsor, on the third Tuesday of August—At Newbury in the county of Orange on the first Tuesday next following the fourth Tuesday in August—At Burlington, in the county of Chittenden, on the first Tuesday of January—At Middlebury, in the county of Addison, on the third Tuesday of January—At Rutland, in the county of Rutland, on the Tuesday next following the fourth Tuesday of January—At Bennington and at Manchester alternately, on the 4th Tuesday next following the third Tuesday of January.— And,

Supreme court to sit at Newfane, 1st Tuesday of August—At Woodstock, the 3d Tuesday. At Newbury the 1st Tuesday after the 4th in August. At Burlington, the 1st Tuesday of Jan. At Middlebury, the 3d Tuesday. At Rutland the 1st Tuesday after the 4th Tues. At Bennington &c. the 4th Tuesday after the 3d. Tuesday of January.

SECTION II.

It is hereby further enacted, That all writs, processs, bonds and recognizances, and all matters that heve or may be commenced, entered into, and made returnable, at the stated session of said supreme court, or court of chancery as heretofore established by law, or now in any way pending before said supreme court, shall be returned, entered, & acted upon, at the stated session of said supreme court,

All writs &c. made returnable to the supreme court, as established by this act.

as mentioned in this act, any law of this state to the contrary, notwithstanding.

Provided nevertheless, That this act shall not take effect in the counties of Chittenden, Addison, Rutland and Bennington, until the first day of May next, nor shall it be construed to affect any of the adjournments of the supreme court already made. Provided



An ACT enabling certain persons therein named to take care of and lease out the lands granted for the use of the county grammar school in the county of Windsor. Passed Oct. 30, 1794.

I*t is hereby enacted by the general assembly of the state of Vermont, That Eliha Burton and Abel Stevens, esquires, be and they are hereby appointed commissioners, and duly authorised and empowered to take care of and lease out all such lands as are granted to or sequestered for the use of the county grammar school, in the county of Windsor. And,*

E. Burton and A. Stevens, esq. to lease out lands granted to county grammar schools in Windsor county.

It is hereby further enacted, That the abovementioned commissioners are amenable and accountable, to such board of trustees, as have been already, or may be hereafter appointed to said county grammar school, for the rents and profits which may arise, from time to time, from

To be accountable to the trustees for the rents,

Acts and Laws of
from the lands granted or sequestered
for that use, within the county aforesaid.



Passed Oct. 30,
1794.

*An ACT directing the appropriation of the
lands in this state, heretofore granted by the
British government to the society for the
propagation of the gospel in foreign parts.*

Preamble.

Whereas by the customs and usages of
nations, no aliens can, or of right
ought to hold real estate, in a country
to whose jurisdiction they cannot be
made amenable or responsible. And
whereas the society for the propaga-
tion of the gospel in foreign parts, is
a corporation created by, and existing
within a foreign jurisdiction, to which
they alone are amenable, by reason
whereof, at the time of the late revolu-
tion of this and the United States,
from the jurisdiction of Great Britain,
all lands in this state, granted to the
society for the propagation of the gos-
pel in foreign parts, became vested in
this state, and has to this time re-
mained unappropriated. And where-
as it appears to this legislature, that
said lands might be more useful, if
granted for the purposes of education,
than in any other way. Therefore,

IT is hereby enacted by the general assem-
bly of the state of Vermont, That the
several rights of land in this state, grant-
ed

ed under the authority of the British government, previous to the revolution, to the society for the propagation of the gospel in foreign parts, be and the same hereby are granted severally, to the respective towns in which such lands lie, and to their respective use and uses forever, in manner following, viz. It shall be the duty of the selectmen in the respective towns, in the name and behalf of such towns, if necessary, to demand, sue for, and recover the possession of such lands, and the same to lease out as long as water runs or wood grows, and annually, at farthest, to collect the rents and profits of such lands, and the same pay into the treasury of such town, taking the treasurer's receipt therefor.

Propagation rights granted to the several towns

Selectmen empowered to recover possession, and lease out the lands as long as water runs or wood grows.

Which monies, so arising, after deducting the reasonable expence and charge of the said selectmen, as the town shall legally vote to allow, shall be drawn out of the treasury, in pursuance of a vote of such town, and distributed in the several school districts in such town annually, in proportion to the number of rateable polls in such district.

Rent to be paid annually, and distributed to school districts.

Provided, Such districts shall, in the course of the year immediately preceding, have employed a schoolmaster within such district, whose services as such, exclusive of boarding, shall have amounted to such dividend.

Provide.

But

No district if they have not had a school master the preceding year, to have any part of the money.

But such districts as shall not have employed a school master as aforesaid, shall not for the year so neglecting be entitled to any dividend.

Where no schools in any district, the money to be put to use for one year.

And if no district in such town shall have employed a school master as aforesaid, then such rents shall, by the said selectmen, be drawn out of the treasury, and put to use for one year, the aggregate whereof shall be added to the next annual dividend, and so from time to time as the case may be.



Passed Oct. 30,
1794

An ACT in addition to an act entitled "an act in addition to an act regulating goals and gaolers." Passed November eighth, one thousand seven hundred and ninety two.

The gaol in the city of Vergennes to be a gaol for committing U. S. prisoners.

IT is hereby enacted by the general assembly of the state of Vermont, That the gaol in the city of Vergennes shall also be a gaol for receiving and safe keeping all such prisoners as shall be committed under the authority of the United States, agreeably to the modes, restrictions, and directions contained in said act.



An

An ACT in addition to, and alteration of an act, entitled, "an act defining the powers of justices of the peace within this state."

Passed Oct. 30,
1794.

I*T is hereby enacted by the general assembly of the state of Vermont, That every justice of the peace, within his proper sphere of jurisdiction, be, and he is hereby fully authorized and empowered, to hear, try and determine, all pleas and actions of a civil nature (other than actions of defamation, replevin, trespass upon the freehold, and where the title of land is concerned) where the debt and other matter in demand, does not exceed the sum of ten pounds.*

Justices of the
peace empower'd
to try &c. on
unsettled ac-
counts &c.

And also to determine as aforesaid, on all specialties, notes of hand and settled accounts, not exceeding the sum of sixteen pounds.

£16. on notes
&c.

And to render judgment and award execution accordingly. Any law, usage, or custom to the contrary notwithstanding.

Execution to is-
sue on judgment



An act making it the duty of the judges of the supreme court, to appoint clerks in each of the counties of this state, and also in addition to the a. . . pointing an attorney general.

Passed Oct. 30,
1794.

SECTION I.

It is hereby enacted by the general assembly of the state of Vermont, That it shall be the duty of the judges of the supreme court to appoint one clerk in each of the counties within this state, who shall be an inhabitant of the county, for which they are appointed, and shall be duly sworn to a faithful discharge of their duty as clerk of said court, within the respective counties for which they shall be appointed, and that each of said clerks so to be appointed, previous to their entering upon the business of their appointment, shall become bound with sufficient sureties, by way of recognizance, before one of the judges of said court, in the sum of one thousand pounds, to the treasurer of this state, for the faithful discharge of their duty, as clerk to said supreme court, which bonds after the first appointment shall be taken annually at stated session of said court.

Clerks of supreme court to be appointed in each county.

Each clerk to give bonds with sufficient sureties in the sum of £1000.

Bonds to be taken annually.

And,

SECTION II.

It is hereby further enacted, That it shall be the duty of each of the clerks of the said supreme court, to make out and transmit to the general assembly of this state, at their October session, annually, a true statement of all the civil causes in favor of the state treasurer, and also, all the criminal causes that shall be entered in

Clerks to make out and transmit to the general assembly in Oct. annually, a statement of all criminal causes, &c.

in the docket of said court in their respective counties, and the situation of each cause, together with the expence of prosecution and the fines and forfeitures, laid and assessed by the said court.

Clerks to make a statement of criminal causes entered. expence of prosecution, and fine laid.

And,

SECTION III.

It is hereby further enacted, That the several clerks of said supreme court, shall be entitled to the sum of six shillings per day, each, during their attendance on said court, together with the same perquisites or fees, that are allowed by law to the clerks of the county courts in this state, and no more, any law or custom to the contrary notwithstanding.

Clerks fees.

And,

Whereas the records of said supreme court, having been heretofore kept by one clerk, and it being convenient and expedient that said records should still be continued together, and near to the centre of this state.

Provide, respecting future records.

Therefore,

SECTION IV.

It is hereby further enacted, That all such records, files and papers, belonging to said supreme court, that have been heretofore kept by one clerk only, shall by such former clerk, be lodged with the clerk that is or shall be appointed, by said court, in the county of Rutland.

Former clerks to lodge records with the clerk of Rutland county.

And,

Records to be kept in the town of Rutland.

And shall be by such clerk kept in the town of Rutland, in said county of Rutland, and on application it shall be the duty of such clerk, to make out copies of any part of said records, and for the usual and customary fees, to certify, and deliver the same as true copies, of the original records, which copies shall be received by any of the courts in this state, as proper office copies, from the said supreme court.

And,

SECTION V.

Clerk's duty.

It is hereby further enacted, That it shall be the duty of the clerks of said supreme court, to keep fair accounts of all orders by them drawn on the treasurer, under the direction of said court, and transmit duplicates thereof to the states treasurer, immediately after each session of said court, and no monies shall be paid out by the treasurer until duplicates are lodged in his office. And,

SECTION VI.

Accounts of the Attorney General and Clerks, to be examined by the legislature.

It is hereby further enacted, That at each stated session, of the legislature, the attorney general, and several clerks of said supreme court shall exhibit their accounts, for all services by them done in virtue of their office, and no monies shall be paid out by the treasurer, until their demands have been examined and allowed by the legislature. And,

SECTION

SECTION VII.

It is hereby further enacted, That at each annual session of the general assembly, there shall be a committee consisting of three members from the house of representatives, and one from the council, whose duty it shall be to receive and examine all the returns and exhibits of the attorney general and several clerks of the supreme court, and compare the same, and make report to the general assembly. And,

Committee of house and council to examine returns and exhibits of attorney general and clerks, and report.

It is hereby further enacted, That if the former clerk of said supreme court does not, on application, deliver over the former files, papers and records of said court, as directed by this act, it shall be the duty of the attorney general to prosecute for the same, in the name and behalf of this state.

Former clerks not delivering files, the attorney general to prosecute for the same.



An ACT assessing a tax of two pence on the pound on the list of one thousand, seven hundred and ninety four.

Passed Oct. 30, 1794.

I*T is hereby enacted by the general assembly of the state of Vermont, That there be and hereby is assessed, a tax of two pence on the pound, on the list of the polls and rateable estates of the inhabitants of this state, taken in the year one thousand seven hundred and ninety four.*

State tax laid of two pence on the pound.

Acts and Laws of

When payable
at the treasury.

To be paid into the treasury, by the first day of June next, in hard money, hard money orders, or orders drawn by the clerks of the supreme court.



Passed Oct. 30,
1794.

An ACT empowering Adam Dickey, collector of the half penny state land tax, in the town of Topsham, to sell the lands of delinquents in said town for the payment of said tax.

Preamble

Whereas it is represented that the said Adam Dickey, collector of said half-penny tax, has legally advertised the lands in the town of Topsham, and after having adjourned from time to time, cannot sell the lands of such delinquents to collect said money, for paying such tax, by reason of the same being owned by one person, who it is supposed will redeem the same, and no person being willing to lay out money, for the interest allowed by law, in case of redemption. And, whereas, an extent has been issued by the treasurer of this state, against the collector, and he has been committed to prison on said extent, after having made a proper application to the owner of said land, for said tax, who has refused to pay the same.

Therefore

Section

SECTION I.

It is hereby enacted by the general assembly of the state of Vermont, That the said Adam Dickey, collector of said half-penny land tax, in said town of Topsham, be, and he hereby is empowered to sell, at public vendue, so much land in said town, of any delinquent owner, as will pay the amount of said tax, and all legal costs which have arisen on the same. And,

Adam Dickey
empowered to
sell lands in
Topsham.

SECTION II.

It is hereby further enacted, That the owner or owners of any lands, which shall be sold by virtue of this act, shall have but two months time from the day of such sale, to redeem such land, any law, usage or custom to the contrary, notwithstanding.

Two months
time only allow-
ed for redemp-
tion.



An ACT raising the wages of the non-commissioned officers and soldiers, detached from the militia of the state of Vermont, agreeably to an act of congress, passed in the year one thousand eight hundred and twenty one, whereby the said act is made perpetual.

Passed Oct. 30,
1821.

It is hereby enacted by the general assembly of the state of Vermont, That every non-commissioned officer and soldier, who may be engaged to the militia of the state of Vermont, agreeably to the act of congress,

Non-commis-
sioned officers &
soldiers pay per
month including
congrats pay to
be as follows,
viz.

Privates 40s

Serjeant 48s.

Corporals 44s.

Serj. maj. &
quarter master
serj. 60s.

Drum and fife
major 48s.

Drummers and
fifers 44s.

congress be, and they are hereby entitled to receive from this state, as a compensation when called into actual service (and not otherwise) from the treasurer thereof, such sum or sums as shall, together with the pay which said non-commis- sioned officers or soldiers are to receive from the congress of the united states, amount to the sum of two pounds per month, for each private or soldier ; for each serjeant the sum of two pounds eight shillings per month, for each corporal the sum of two pounds four shil- lings per month, and for each serjeant major, or quarter-master serjeant the sum of three pounds per month ; to each fife or drum major, the sum of two pounds eight shillings per month ; and to all other musicians, as drummers, fif- ers, &c. the sum of two pounds four shillings per month, and the same sum in proportion for a greater or less term of service.



Passed Oct. 30,
1794.

An ACT forming a new town out of the towns of Putney and Athens in the county of Windham, by the name of Brookline.

Preamble.

Whereas it appears to this assembly that it is inconvenient for the inhab- itants of the westerly part of Putney, and the south parish in Athens, to at- tend

tend town meetings, and transact town business in their respective towns.

Therefore,

SECTION I.

IT is hereby enacted by the general assembly of the state of Vermont, That the south parish in Athens, as heretofore established by law, and all that part of the town of Putney, west of the following line, to wit, beginning in the south line of Westminster, at the northwest corner of lot number one, in the thirteenth range of the lots laid out in the town of Putney, thence running a straight line to the south west corner of lot number eight in the fourteenth range, from thence to the north west corner of Samuel Bennet, junior's lot, thence on the west line of said Bennet's lot, and the west line of Ezekiel Wilson's lot, to Dummerston line, be and the same is hereby incorporated into a town by the name of Brookline.

Bounds of
Brookline,

And the inhabitants residing therein, shall have the privileges and immunities which the inhabitants of other towns in this state have and enjoy, except electing and sending a representative to the general assembly and convention.

Privileges of
inhabitants secured,

And,

SECTION II.

It is hereby further enacted, That nothing

South parish
of Athens and
that part of Put-
ney described in
this act not af-
fected.

Freemen's
meetings where
to be holden.

How to be
warned.

ing in this act shall be construed to affect the freemen living in the south parish of Athens, and that part of Putney described and set off in this act, from meeting and voting with the freemen of the said towns of Athens and Putney respectively, in all freemen's meetings, for choosing a representative to the general assembly and other purposes, and that the freemen's meetings of each of said towns of Putney and Athens, shall be holden at the usual place for holding freemen's meetings : which meetings shall be warned by the first constable of each of said towns of Putney and Athens, respectively, by setting up notifications, at the usual place for setting up warnings in each town, and in the most public places in said south parish of Athens, and in the district of Putney set off by this act respectively.



Passed Oct. 30,
1794. *An act granting to Samuel Williams esquire,
the right of doing all the printing business
for this state, for the term of ten years.*

Preamble.

Whereas Samuel Williams esquire, of Rutland, hath proposed to the general assembly, to perform all the printing business which shall be necessary to be done for and in behalf of this state, at three quarters of the price heretofore allowed for doing such business, and to pay the treasurer of this state.

state, one hundred pounds, for the privilege of doing the same, at that rate, for the term of ten years, as aforesaid. Therefore,

It is hereby enacted by the general assembly of the state of Vermont, That the sole right of printing all the laws, and other necessary printing business, which shall be required to be done, for and in behalf of this state, for the term of ten years, next after the first day of October next, be and the same is hereby granted to the said Samuel Williams, his heirs and assigns.

Right of state printing granted to S. Williams for ten years.

And the auditor of accounts against this state, is hereby directed to allow the said Samuel Williams, on all accounts by him exhibited, during said term, the sum of forty five shillings per sheet, demi paper, (being three quarters of the sum heretofore allowed,) for every three hundred copies, and in the same proportion, for any greater number of copies.

Terms of printing.

And the said auditor shall also allow the said Samuel, for all the printing business for this state, agreeable to the above mode of charge.

Auditor to allow accounts.

Provided, That the said Samuel shall exhibit the receipts of the sheriffs, of the several counties within this state, for such

Sheriffs receipts to be exhibited.

such public papers as he may from time to time be directed to print, to the said auditor of accounts, previous to his allowing the said Samuel's account, as aforesaid. And,

Bonds required
for payment of
£ 100 for the
grants

Provided also, That the said Samuel shall procure sufficient bonds to the treasurer of this state, in the sum of two thousand pounds, as security for the payment of the said sum of one hundred pounds, by installments of ten pounds each, on the first day of May annually, and also for the due and faithful performance of the said business as aforesaid.

And,

I. *Proviso.*

Provided also, That the said Samuel Williams, cause the printing necessary to be done, during the sitting of the legislature, to be executed and delivered to the legislature, at the place of their sitting, seasonably, without any extra expence, during the said term of ten years.

M. *Proviso.*

Provided, There shall be any printing press, in the town where the legislature shall sit. And,

Act repealed.

It is hereby further enacted, That an act, entitled, ' an act declaring by whom the printing business of this state shall be performed,' passed October twenty first, one thousand seven hundred and ninety, be and the same is hereby repealed.

An



An act making appropriations for the support of government, for the present session, and from thence, until the next session of assembly.

Passed Oct. 30, 1794.

IT is hereby enacted by the general assembly of the state of Vermont, That there be appropriated, the several sums for the several purposes following, to wit, the sum of *two hundred and seventy pounds*, for the salaries of the governor and treasurer.

£ 270 for salaries for governor & treasurer.

The sum of *fourteen hundred and fifty pounds, eight pence*, for the debentures of the council and general assembly, and of the several officers attending the same, together with the auditor's service.

£ 1450 8d. for council & general assembly.

The sum of *two hundred and fifty pounds*, for the payment of such orders, as shall be drawn by the auditor of accounts, against this state.

£ 250 for the auditors orders.

And a sum not exceeding *twelve hundred pounds*, for the debentures of the supreme court, and the orders drawn by the clerks of said court.

£. 1200 for debentures of Supreme court.

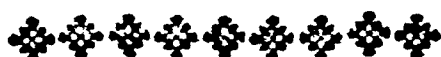
Also two pounds eighteen shillings to Ichabod Reed, for the use of a room, fire, and candles, for the council.

£. 2-18 to Ichabod Reed.

R Which

Monies how
to be paid.

Which several sums shall be paid out of the monies, in the treasury, and if there be not sufficient money in the treasury, the treasurer shall issue hard money orders, for the residue of such appropriation.



Passed Oct. 30,
1794.

An act making provision for the payment of costs in certain cases therein mentioned.

Preamble.

Whereas many petitions are preferred to the general assembly, praying for new trials between party and party, and whereas it frequently happens, that the petitioners do not produce sufficient evidence to justify granting the prayer thereof.

On petition for new trial to the legislature if the prayer is not granted.

IT is hereby enacted by the general assembly of the state of Vermont, That after the rising of the present session, if any person or persons, shall prefer any petition to the general Assembly of the state of Vermont, praying for a new trial at law or in equity, between party and party, and the prayer thereof shall not be finally granted by act of legislation,

Where petitioners or petitionesses, being duly cited do appear, by themselves or attorneys,

That in every such case where the petitioner or petitionesses shall be regularly cited to appear before the assembly, and do appear, either by themselves their agents or attorneys, such petitioner or petitionesses,

petitionees, shall make up their bill of costs for their travel, and attendance, and the travel and attendance of their witnesses, legally summoned, and all depositions, and other necessary papers procured in consequence of such citation, in the same manner that bills of cost are made up in the county courts, except instead of term fee, the petitioner shall receive three shillings per day, for his actual attendance.

Petitioner or petitionees to be paid costs of travel, &c.

3s. per day allowed petitioner for attendance.

And the clerk of the general assembly certifying said bill of cost, legally taxed as aforesaid, the petitioner or petitioners shall pay the same to the petitionee, or petitionees, to be recovered by an action of debt on this statute.

Clerk's certificate to authenticate the bill of costs.



An act appointing a collector of land taxes, in the towns of Burlington, Shelburne, Colchester and Essex.

Passed, Oct. 30. 1794.

Whereas Caleb Henderson, formerly of Colchester, was appointed a collector of a tax of two pence, on each acre of all the land in Burlington, and Colchester, and one penny on each acre of all the lands in Shelburne, and Essex, in the county of Chittenden, granted the twenty seventh day of October, one thousand seven hundred eighty and five, and also of one penny

Preamble.

Acts and Laws of

on each acre of all the land in said Shelburne, granted the eighteenth day of October, one thousand seven hundred and eighty eight, (public rights excepted) and whereas the said Caleb Henderson, since his said appointment, has left this state, and become a British subject, in the Province of Upper Canada, without completing the business of his said appointment.

Therefore,

SECTION I.

S. Miller appointed collector.

Collectors duty.

IT is hereby enacted by the general assembly of the state of Vermont, That Solomon Miller of Williston, be and he is hereby appointed collector, of the above recited taxes, in said towns of Burlington, Colchester, Shelburn and Essex, and the said Solomon Miller, is hereby fully authorised and empowered, to proceed and collect the residue of the above mentioned taxes, as near as may be, agreeable to the true intent, and meaning of the said acts, granting the same, as soon as the said Caleb Henderson shall have transferred to the said Solomon Miller, an attested copy of all his proceedings, in the collection of said taxes, so far as he has proceeded to collect the same.

How responsible.

And the said Solomon Miller is hereby made responsible in the same manner as the said Caleb Henderson was, to the committee

committee appointed to superintend the appropriation of said taxes.

And,

Whereas it is represented that the said Caleb Henderson, since his removal from this state, has returned and proceeded to make sale of some part of said lands, at vendue, for the collection of said taxes, and immediately after making such sales, returned again to his residence in Upper Canada, by means whereof, the proprietors and owners of such lands, are wholly prevented from redeeming the same, agreeably to the provision in the acts granting said taxes contained.

Preamble to the 2d clause.

Therefore,

SECTION II.

It is hereby further enacted, That if any proprietor or land owner, in either of the towns aforesaid, shall pay or tender to Solomon Miller, collector aforesaid, within one year from the day of passing this act, the full amount of his or her tax aforesaid, together with all cost hereafter arising thereon, in due bills for work done to pay said taxes, or in lawful money, such lands shall thereby be completely discharged and redeemed from said taxes, or any sales made of the same, by Caleb Henderson as aforesaid, and such redemption money shall

Proprietors privilege to pay due bills for work, or money, within one year.

Lands how redeemed from C. Henderson's sales.

be

be paid over to the purchaser of such land, at said vendue if any there be.



An act to rectify a mistake in the charter of the town of Medway, in the county of Rutland.

Passed Oct. 30,
1794.

Preamble.

Whereas it appears to this assembly, that Eleazer Wheelock of Rutland, in the county of Rutland, was an original grantee, in the town of Medway aforesaid, and that he paid the granting fees therefor, that previous to the actually issuing said charter, the said right was sold at vendue, by the name of Ebenezer Wheelock's right, to pay a tax of two pence, on each acre of land in said Medway, granted by the general assembly of this state, for the purpose of making roads, building bridges, &c. that soon after said sale, the charter of said Medway was actually made out, and antedated or dated back to the time of making the grant, and through mistake the name of Ebenezer Wheelock, was entered in said charter, in lieu of Eleazer Wheelock. And whereas it further appears, that the said Eleazer had sold said right of land to Ebenezer Pitcher of Clarendon, and the said Ebenezer, had sold the same to one Hezekiah Perkins, of Norwich, in the state of Connecticut, previous to the

the actual issuing said charter, and by means of the mistake aforesaid, the said Perkins did not pay the tax, on the original right of Eleazer Wheelock, by which means the time of redemption of said right, under the sale aforesaid, hath expired, and that without the aid of this legislature, injustice will take place in the premises.

Therefore,

I*t is hereby enacted by the general assembly of the state of Vermont,* That if the said Hezekiah Perkins, shall within six months pay or tender to the collector of said tax, the full sum for which said right was sold, with all legal cost, and twelve per cent interest, in that case the said Hezekiah shall be as fully entitled to said land, as though the name of Eleazer Wheelock had been actually entered in said charter of Medway: for the confirmation of which said title, this act may be given in evidence in any court in this state.

Hezekiah Perkins allowed 6 months to redeem certain lands in Medway, and to be intitled to the fee of the right of Ebenezer Wheelock.



An ACT for the purpose of obliging the proprietors of a mill dam on the mouth of Wells pond to draw the water off from the lands flowed by the same, at the times and on the considerations therein mentioned.

Passed Octo. 30.
1794.

Whereas Enoch Cone, Nathaniel Lewis, Daniel Cress, Zebulon Cole, and one hundred

Preamble.

hundred other persons, have petitioned this legislature, stating that a mill dam at the mouth of Wells Pond, erected by Elkanah Cobb and Simon Francis, raises the water to that degree in the spring, that the drawing it off in the summer greatly injures their health. Therefore,

SECTION I.

Cobb & Francis so to construct a mill dam at the mouth of Wells pond that the waters can be drawn off.

It is hereby enacted by the general assembly of the State of Vermont, That it shall be the duty of the said Elkanah Cobb and Simon Francis, or whoever may be the owners or proprietors of the said dam, so to construct the same, immediately after the publication of this act, that they can draw the water off from the face of said pond. And,

SECTION II.

To file a bill in county court in March 1795, for damages,

Court by themselves or by persons by them appointed to assess as shall be just & equitable.

It is hereby further enacted, That the said proprietors shall have a right to file a bill in the county court of the county of Rutland, at their March session, for the damages they may sustain, by drawing off the water in the manner before mentioned, from the face of said pond to its natural level, having twice published in *The Farmer's Library*, at least three weeks before the sitting of said court, their intention of preferring such bill, and it shall be the duty of said court, by themselves, or persons by them appointed, to enquire into said damages, and

and award such sum thereupon, as they shall think just and equitable.

And if the said petitioners, or any of them shall appear and pay the sum so assessed by said court, to the said proprietors, or give security to the satisfaction of the said court, for the payment thereof with interest, within a time by said court judged to be reasonable, then in such case, whenever said proprietors have filed their bill as aforesaid, and the petitioners have complied with the requisitions on their part herein mentioned,) it shall be the duty of said proprietors, to cause the water to be drawn off from said pond, to its natural level, by the first day of May annually.

Damages how to be paid to the proprietors.

Water to be drawn off annually the first of May—

And it shall not be lawful for them or any other person to raise the water on the face of the said pond, before the first day of October, in any year thereafter. And,

And the pond not to be raised until the 1st of October.

SECTION III.

It is hereby further enacted, That in case the said proprietors shall neglect or refuse to comply with this act, it shall be lawful for the petitioners to demolish said dam.

Proprietors refusing to comply, the dam to be demolished.

An

Passed, Oct. 30,
1794.

An act in addition to and in alteration of an act, entitled, 'an act granting a tax of one penny on each acre of land in the towns of Morristown, Sterling and Worcester,' passed November eighth, one thousand seven hundred and ninety two.

Addition to
the commission-
ers for laying
out a road tax in
Sterling.

IT is hereby enacted by the general assembly of the state of Vermont, That Peaselee Sawyer, George Gragg, and John M'Connel, be and they hereby are appointed a committee, in addition to the committee by said act appointed, for the purpose of laying out and expending the tax, by said act granted, on the lands in Sterling.

New collector.

And that John M'Donald be, and he hereby is appointed collector of said tax in Sterling, in the room of Jacob Walker, and is to proceed in the same manner as though he had been named in said act, as collector of the said tax, on the town of Sterling.



Passed, Oct. 30,
1794.

An act in addition to an act, entitled 'an act granting leave to raise the sum of two hundred pounds, by lottery, for finishing a malt-house and brewery, in Weathersfield.'

Preambles

Whereas it is represented that it is necessary to have an addition to the managers of said lottery. Therefore,

It

It is hereby enacted by the general assembly of the state of Vermont, That Daniel Babcock, Dan Clark, and Ambrose Cushman, be and they are hereby appointed, additional managers of said lottery, and with managers heretofore appointed, are made accountable in the same way and manner as is provided in the act granting said lottery.

Additional managers to Wethersfield brewery lottery.



*An act in addition to, and explanation of
‘an act for the purpose of raising by lottery, the sum of five hundred dollars, for the purpose of defraying the expence of building a bridge over the river La Moile in Fairfax.’*

Passed Oct. 30,
1794.

Whereas the act above mentioned, does not provide for making the determination, of two out of three of the committee appointed, for fixing on the place for building the said bridge, decisive. And whereas two of the three persons named in the fore-cited act, have met, and agreed upon a place, which they have marked, to wit, an hemlock tree on the north, and a maple on the south side of said river, just above the present ford-way on the main road from Westford, to said Fairfax, and a few rods below the mouth of governor's-brook.

Preamble.

Section

SECTION I.

Place for building a bridge established.

IT is hereby enacted by the general assembly of the State of Vermont, That the place fixed upon by two of the said committee as aforesaid, be and is hereby declared to be the place for building said bridge. And,

SECTION II.

Additional managers to a lottery for building a bridge over the river La Moille in Fairfax.

It is hereby further enacted, That capt. Erastus Safford, and capt. Seth Ford, be and they hereby are appointed additional managers, to the said lottery, and any three of the managers are hereby authorized to transact the business appertaining to the management of said lottery, having previously given security for the faithful performance of their trust.



Passed Oct. 30,
1794.

An ACT granting a tax of two pence per acre on that part of Kelly's grant called No. 4. lying between Johnson and Coit's Gore, for the purpose therein mentioned.

A tax of two pence laid on No. 4 of Kelly's grant.

IT is hereby enacted by the general assembly of the State of Vermont, That there be, and hereby is granted a tax of two pence on each acre of land, in that part of the land granted to John Kelly, called *Number Four*, in the county of Chittenden, (public lands excepted) for the

the State of Vermont.

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the purpose of making roads and bridges on said land, to be expended by the order, and under the direction of Joseph Baker, of Bakersfield, John Wier, of Johnson, and William Coit of Burlington, who are hereby appointed a committee for that purpose.

And any justice of the peace within the county of Chittenden, is hereby empowered to issue his warrant to the said William Coit, to collect said tax.

And said collector is hereby made accountable to said committee, for the amount of said tax.

And said collector and committee are hereby directed to govern themselves, in collecting, disposing, and accounting for the monies raised by said tax, agreeably to an act, entitled, 'an act regulating the disposition of monies raised by tax, on the several towns, for the purpose of making and repairing roads, and building bridges &c.' passed March eighth, one thousand seven hundred and eighty seven, and the act in addition to said act, passed October twenty fourth, one thousand seven hundred and eighty eight.

And,

SECTION II.

It is hereby further enacted, That the collector

Collector em-
powered to sell
land.

collector of said tax be, and he is hereby empowered to sell so much land of any delinquent owner, as will pay said tax and legal cost, after advertising the same according to law. And,

SECTION III.

Mode of re-
demption.

It is hereby further enacted, That if the owner of any land in said tract, called *number four*, sold as aforesaid, shall pay or tender to said collector, within one year from the day of sale, the full sum for which such land was sold, with legal costs, and twelve per cent interest thereon, the collector shall not execute any deed for such land so redeemed, and the title shall not be conveyed by such vendue sale, and the collector shall pay the purchaser such money so by him received.



Passed Oct. 30,
1794.

An act appointing a collector of taxes, for the town of Jericho in the county of Chittenden.

Preamble.

Whereas James Farnsworth, was duly appointed a collector by the proprietors of said Jericho, in January one thousand seven hundred and eighty seven, for the collecting a tax of one penny per acre, voted by said proprietors, agreeable to an act of the legislature, passed October twenty seventh

enth, one thousand seven hundred and eighty five. And also the said James Farnsworth, was by an act of the general assembly, at their sessions in October one thousand seven hundred and eighty eight, appointed a collector of a tax by them granted, of one penny per acre, which several taxes was granted for the purpose of making roads and building bridges in said town. And the said James Farnsworth, wholly refusing to officiate in the said several appointments of collector, as aforesaid, the persons who have executed the labor, are by reason of said refusal, kept out of their just demands against said proprietors.

Which to prevent.

IT is hereby enacted by the general assembly of the State of Vermont, That Noah Chittenden esquire, be and hereby is appointed collector of the said several taxes aforesaid, with the same powers and authority for the purpose, as the said James Farnsworth had by virtue of the said acts of the proprietors and general assembly as aforesaid, and to render an account of his proceedings, and be accountable for the same, in the same manner as was directed to the said Farnsworth, by said several acts aforesaid, any thing in said acts to the contrary, notwithstanding.

Noah Chittenden appointed collector of land taxes in the room of James Farnsworth.



Passed Oct: 30,
1794.

An ACT appointing a committee to describe the lines of the several towns hereafter expressed, for the purpose of altering said towns to a different form from what they now are in, by the present lines of said towns.

Preamble

Whereas it is represented that the towns of Georgia, St. Albans, Swanton, Highgate, Sheldon *alias* Hungerford, Fairfield, and Bakersfield *alias* Smithfield, Fairfield and Bakersfield, Fairfax, Fletcher, Cambridge and Coit's Gore (so called) all in the county of Chittenden, are so situated, that the inhabitants of the same are much incommoded by their present lines.— And that the lines of said towns can be altered much to the advantage of all the inhabitants of said towns.

Therefore,

Committee appointed to report new lines around several towns.

It is hereby enacted by the general assembly of the state of Vermont, That Jonathan Spafford, Jacob Davis, and Enoch Woodbridge, be, and they hereby are appointed a committee, to examine the present lines of said towns, and to describe such other lines as they think will most conduce to the good and welfare of the inhabitants of said towns, and make a report of their doings in the premises, to the next session of the legislature.

Provided

Provided always, That no expence shall accrue to the state for the service of *Provido.* said committee.



An ACT granting a new trial to sundry in- Passed Oct. 30,
1794.
habitants of Alburgh.

Whereas at a county court holden at Colchester, within and for the county of Chittenden, on the second Tuesday of November, one thousand seven hundred and eighty eight, an action of trespass and ejectment was entered on the docket of said court, entitled, *John Doe on the demise of the proprietors of Allensburgh, against John Davidson,* to recover possession of certain lands therein described, in which action Alexander Scott, Abraham Greggs, — Covey, — Yeat, — Kelly, Abel Hank, George Stair, William Soles, Alexander Cameron, John Greggs, Thomas Andrew, David Logan, James Fisher, John Fisher, Daniel Fisher, — Schryer, Joseph Mott, one Doctor Brother, Daniel Brownson, — Conroy, James Youngs, James Campbell, — M'Donalds, Duncan M'Gregore, Nathaniel Wait, John Savage, Abraham Holbrook, Nathaniel Holbrook, Peter and Paul Carrington, Conrad Burghast, Eli Denyor and widow Clarke-

Preamble.

T

of

of said Allensburgh, now called Al-
burgh, were named as tenants in pos-
session of the premises. And where-
as at the same court one other
action of ejectment was entered as
afore said, entitled, *John Doe, on the de-
mise of the proprietors of Allensburgh, a-
gainst John Davidson*, for the recovery
of the possession of certain lands there-
in described, in which action, James
Gibson, John Gibson, Stephen Soles,
Joseph Soles, Benjamin Bennet, Tim-
othy Soles, George Bennet, George
Smith, Daniel Bedal, Jacob, Christo-
pher and John Pickel, Hugh M'Lean,
John Robert Chitten, Elijah Munro,
Wm. Manner, Wm. Witleston, —
Hayden, John Cook, Francis Waggon-
er, Edward Hogan, — Hillika, —
Conklin, Hammond, John Brownson,
Peter Furman, and David Hervey, of
said Allensburgh, now Alburgh, as a-
fore said, were named as tenants in pos-
session of the premises, all which ap-
pears by the original writs on file, and
by the record of the said court—
And whereas the said persons nam-
ed in said writs as tenants in pos-
session of the premises as afore said,
have by their petition on file repre-
sented to this assembly, that by reason
of their living within the *civil jurisdic-
tion of the province of Quebec*, and with-
in the post occupied by the *British
troops*, and not daring to acknowledge
the

the jurisdiction of the state of Vermont, and also an account of the secret and irregular manner in which they were said to be served with copies of the said writs, secretly deposited in or about the premises, they did not appear at the said court to defend in said actions, in consequence whereof, at the sessions of the said court, in February, one thousand seven hundred and eighty nine, judgment was rendered against the said John Davidson, casual ejector, in said actions, by default—and writs of *scire facias* have issued against sundry of the said persons, said to be named in said copies of writs of ejectment, as tenants in possession as aforesaid, to shew cause why writs of possession should not issue against them, and the said persons having represented to this assembly that they are greatly injured in the premises.

I*T is hereby enacted by the general assembly of the state of Vermont,* That the clerk of the said court be, and hereby is directed, again to enter the said actions on the docket of the said court for trial.

A new trial granted to the inhabitants of Alburgh.

And the said court is hereby authorized and directed, to hear, try, and determine the said actions, according to law, in the same manner as though no trial or judgment had been entered, as being had or rendered thereon, any law, usage or custom to the contrary, notwithstanding.

Court to determine the same as though no trial had been made.

*An act granting a tax of two pence on each
acre of land in the township of Bakersfield,
in the county of Chittenden.*

SECTION I.

IT is hereby enacted by the general assembly
of the state of Vermont, That there be
and hereby is granted a tax of two pence,
on each acre of land in the township of
Bakersfield, (public lands excepted,) for
the purpose of making and repairing
public roads and bridges in said town,
to be expended by the order and direc-
tion of Joseph Baker, Jacob Davis and
James Brigham, who are hereby appoint-
ed a committee for that purpose.

A tax of two
pence laid on
B-k sheld for
making roads,
&c.

Committee.

And any justice of the peace within
said county, is hereby empowered to is-
sue a warrant to Stephen Maynard to
collect said tax, and said collector is here-
by made accountable to said committee,
for the amount of said tax, and said col-
lector and committee are hereby direct-
ed to govern themselves in the collect-
ing, disposing, and accounting for said
money, agreeable to an act entitled, 'an
act regulating the disposition of monies
raised by tax, on land in this state, for
the purpose of making roads, &c.' pass-
ed March eighth, one thousand seven
hundred and eighty seven, and the act in
addition to said act, passed October one
thousand seven hundred and eighty eight,

Collector.

SECTION II.

It is hereby further enacted, That the collector of said tax, be and hereby is empowered to sell so much of the land of any delinquent, as shall pay said tax and legal cost, at public vendue, after advertising the same as directed by law.

Collector empowered to sell lands,

And,

SECTION III:

It is hereby further enacted, That if the owner or owners, of any land sold as aforesaid, shall pay or tender unto such collector, the full sum for which any such land was sold, with legal cost, and twelve per cent interest thereon, within one year from such sale, the collector shall not execute any deed for such land so redeemed, and the title shall not be conveyed by such vendue sale, and the collector shall pay the purchaser such money so by him received.

Mode of redemption of lands sold for the tax.



An act to suspend the administration of Israel Stocking.

Passed Oct. 30, 1794.

Whereas at the session of this assembly, in October last, Alexander Frazer, presented his petition praying for a suspension or reversal, of the administration of Israel Stocking, upon the estate of James Frazer deceased, and a

Preamble.

new

new hearing on the proceedings, had under said administration, which petition was laid over for further consideration, to this present session of the general assembly. And whereas at this present session of Assembly, the further consideration of the said petition is again referred to the next session thereof, to the end that proper notice of the said petition, may be given to the parties in interest, and it being represented to this assembly, that great injustice will take place, if said administration proceed.

Therefore,

The administration of Israel Stocking suspended.

I*t is hereby enacted by the general assembly of the state of Vermont,* That the said administration, and all the proceedings had under the same, be and they are hereby suspended, and staid, in the state in which they now are, until the rising of the general assembly in October next.



Passed Oct. 30, 1794. *An act granting a new trial to Samuel Beach.*

Preamble.

Whereas Samuel Beach of Whiting in the county of Addison, commenced his certain action of trespass and ejectment before the county court, holden at Addison, within and for the county of Addison, on the last Tuesday of September, anno domini one thousand seven

seven hundred and eighty eight, which said action was entitled, *John Doe on the demise of Samuel Beach*, against *John Wilson*, casual ejector, in whose stead Henry Wiswell, and Amzi Holbrock, of said Whiting, were made defendants, in which said actions, the attorney of the said Samuel, while the said Samuel was necessarily absent, was afterwards, to wit, at the county court holden at Middlebury, within and for said county of Addison, on the first Tuesday of March, anno domini one thousand seven hundred and ninety three, driven to suffer a non-suit, and a bill of cost was taxed in said action, in favor of the said Henry and Amzi, against the said Samuel.—And *whereas* it appears, that the said Samuel, is barred by the statute of limitations, from recovering in any action which he could now commence, for the recovery of the same lands, described in the aforesaid action.

Therefore,

I*T is hereby enacted by the general assembly of the state of Vermont*, That the said Samuel Beach, have liberty to enter the said action anew, in the docket of said court, on the first Monday of March next.

New trial
granted to Sam'l
Beach.

And the said court are hereby directed and empowered, to hear and determine the said action, in the same manner as though

though the said non-suit had not have been entered.

Provide.

Provided, That no costs shall be taxed in said suit, for any term, previous to the entering of said action anew, as aforesaid.

It is Provided

Provided also, That nothing in this act shall be construed to prevent the said Henry Wiswell, and Amzi Holbrook, from recovering the said bill of cost, so taxed in said suit, against the said Samuel as aforesaid.



Passed Oct. 30,
1794.

An ACT granting a tax of one penny on each acre of land in the township of Mansfield, in Chittenden county.

Mansfield tax
of one penny
per acre making
roads, &c.

Committee

Collector

IT is hereby enacted by the general assembly of the state of Vermont, That there be and hereby is granted a tax of one penny on each acre of land in the township of Mansfield, public lands excepted, for the purpose of making and repairing public roads, and bridges in said town, to be expended by the order and direction of William Coit, Stephen Jacob, Oliver Luce and Elias Wilder, who are hereby appointed a committee for that purpose, and any justice of the peace in said county, is hereby empowered to issue a warrant to Thomas Cannon,

men, to collect said tax. And said collector is hereby made accountable to said committee, for the amount of said tax.

And said collector and committee are hereby directed to govern themselves, in the collecting, disposing, and accounting for the monies, raised by said tax, agreeable to an act, entitled an act regulating the disposition of monies raised by tax on lands in the several towns, for the purpose of making and repairing roads, &c. passed March eighth, one thousand seven hundred and eighty seven. And the act in addition to said act, passed October twenty fourth, one thousand, seven hundred and eighty eight.

SECTION II.

It is hereby further enacted, That the said collector be, and he is hereby empowered to sell so much land of any delinquent owner as shall pay said tax and legal costs, after advertising the same as directed in said acts. And,

Collector empowered to sell land.

SECTION III.

It is hereby further enacted, That if the owner of any land sold as aforesaid, shall pay or tender unto said collector, the full sum for which any such land was sold, with legal cost, and twelve per cent interest thereon, within one year from the

Mode of redemption,

U

day

day of sale, the collector shall not execute any deed for such land, so redeemed, and the title shall not be conveyed by such vendue sale, and the collector shall pay the purchaser such monies so by him received.



Passed Oct. 30, 1794. *An ACT granting a tax of one penny on each acre of land, in the township of Stowe in Chittenden county.*

Stow tax of one penny on each acre for making roads.

Committee.]

IT is hereby enacted by the general assembly of the state of Vermont, That there be, and hereby is granted a tax of one penny on each acre of land, in the township of Stowe (public lands excepted) for the purpose of making and repairing public roads and bridges in said town, to be expended by the order, and direction of William Coit, Stephen Jacob, Oliver Luce, Elias Wilder, and William Utley, who are hereby appointed a committee for that purpose,

Collector.

And any justice of the peace in Chittenden county, is hereby empowered to issue his warrant to Thomas Cannon to collect said tax.

Collector accountable.

And said collector is hereby made accountable to said committee, for the amount of said tax.

And

And said collector and committee are hereby directed to govern themselves, in collecting, disposing, and accounting for the monies raised by said tax, agreeably to an act, entitled, 'an act regulating the disposition of monies raised by tax, on lands in the several towns, for the purpose of making and repairing roads, and building bridges &c.' passed March eighth, one thousand seven hundred and eighty seven, and the act in addition to said act, passed October twenty fourth, one thousand seven hundred and eighty eight.

Collector and committee how to govern themselves.

And,

SECTION II.

It is hereby further enacted, That the collector of said tax be, and he is hereby empowered to sell so much land of any delinquent as will pay said tax and legal cost, after advertising the same agreeably to said acts. And,

collector empowered to sell lands.

SECTION III.

It is hereby further enacted, That if the owner or owners of any land sold as aforesaid, shall pay or tender to said collector, the full sum for which such land was sold, with legal costs, and twelve per cent interest thereon, in one year from the day of sale, such land so redeemed, shall not be conveyed by such vendue sale, and the collector shall not execute any deed for the lands so redeemed, and shall pay the purchaser such money so by him received.

Mode of redemption.

AN

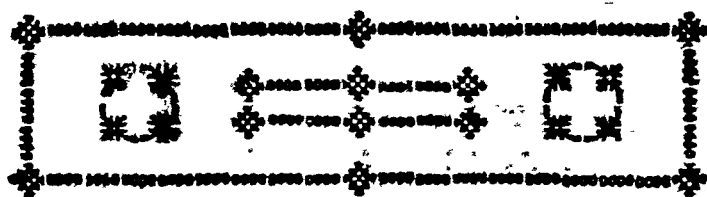


Passed Oct. 30, 1794. *An act in addition to an act, entitled, 'an act granting a tax of two pence, on each acre of land in the township of Isle-La-Mott, in Chittenden county,' passed the third day of November, one thousand seven hundred and ninety one.*

Preamble. Whereas it is represented that Enoch Hall, one of the committee appointed in said act, has removed out of the state, and that it will be beneficial to the public, to have another person appointed in his room.

Therefore,

Abraham Knap appointed a commissioner for Isle-La-Mott. **I**T is hereby enacted by the general assembly of the state of Vermont, That Abraham Knap, of said Isle-La-Mott, be and hereby is appointed one of the committee, to lay out said tax, in the room of the said Enoch Hall; who is hereby discharged, and the said Abraham shall have all the powers, and be accountable in the same manner that the said Enoch was by said act.



T A B L E

O F T H E

A C T S A N D L A W S,

Passed by the Legislature of the

S T A T E O F V E R M O N T,

At their session holden at Rutland, on the

second Thursday of October 1794.

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AN act granting to Elnathan Merwin thirty five pounds eleven shillings lawful money, in his capacity as administrator on the estate of Israel Merwin, to be paid out of the treasury of this state; for guns, and accoutrements delivered by the said Israel Merwin to the use of this state.

3

An act in addition to an act, entitled
“an act granting a tax of two pence on
each acre of land in the township of
Sunderland, in the county of Benning-
ton,

ton, and one penny on each acre of land in the town of Stratton, in the county of Windham."

4

An act directing the treasurer to pay Thomas Smith the legal bounty for killing a grown wolf within this state.

4

An act directing the treasurer to discharge an execution in behalf of this state against William Evans.

5

An act directing the treasurer of this state to credit the town of Randolph the sum of two pounds seven shillings.

6

An act ratifying the division of the town of Wilmington, by and between the proprietors thereof.

6

An act restoring Enoch Bean to his law.

8

An act directing the treasurer of this state to pay the select men of Dummerston, in the county of Windham, the sum of twelve pounds, seven shillings and four pence.

9

An act for repealing the providing clause of an act, entitled, 'an act appointing commissioners to ascertain the boundary line between the state of Newhampshire, and this state.' passed the

October session 1794.

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the sixth day of November anno domini
one thousand seven hundred and ninety
two.

10

An act to discharge Isaac Gage from
an execution, in a certain case therein
mentioned.

10

An act granting a tax of one penny
on each acre of land in the town of Kil-
lington, for the purposes therein men-
tioned.

11

An act discharging James Steel and
James Blodget from the payment of two
notes of hand therein mentioned.

13

An act empowering an administrator
of Eliab Stone, deceased, to deed land in
certain cases.

13

An act to free the body of Isaiah Par-
meter, from arrest in civil processes.

15

An act for incorporating certain physi-
cians therein named, into a society by
the name of the *second medical society* in
the *state of Vermont*.

16

An act directing the treasurer, to pay
John Simonds junior, the sum of 2l. 5s0.

20

An act granting a tax of one penny
on each acre of land in the town of Cab-
ot, in the county of Orange, for the pur-
pose therein mentioned.

An

21

An act directing the treasurer to pay to the selectmen of Milton, sixteen pounds nineteen shillings.

22

An act granting a tax of one penny on each acre of land in the town of Stockbridge, in the county of Windsor, for the purposes therein mentioned.

23

An act in addition to, and explanation of an act, entitled, 'an act to suspend the operation of an act limiting the act, dividing the county of Windsor into half shires.'

25

An act granting to Peres Gallup, and his associates, their heirs and assigns forever, the exclusive privilege of locking Water Queche-Falls (so called) on Connecticut river.

26

An act to empower the town of Brattleborough, in the county of Windham, as devisee in the last will and testament of Amos Tute, late of Hinsdale, in said county, deceased, to enter and prosecute a certain appeal therein mentioned.

33

An act directing the treasurer of this state, to credit the town of Putney, two pounds and nine pence.

35

An act limiting the powers of the supreme and county courts, in granting new trials.

35

An

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An act granting a new trial to John Hills.

36

An act granting a tax of one penny on each acre of land in Walden Gore, for the purpose therein mentioned.

37

An act regulating the publishing of advertisements within this state, and repealing an act for that purpose, passed October 31st, one thousand seven hundred and ninety three.

39

An act directing the treasurer of this state to pay to Tarrent Putnam the sum of four pounds twelve shillings and nine pence.

41

An act dividing the state into districts, for electing representatives to the congress of the United States, and directing the mode of their election.

41

An act to release from confinement the body of Samuel Beach, for the space of one year, and to secure his body from arrests, on civil process during that term.

49

An act appointing commissioners for the purposes therein mentioned.

51

An act granting a land tax on the town of Barre, alias Wildersburgh.

52

An act establishing and constituting the easterly part of Burlington, the southerly part of Jericho, the two societies of Williston, a part of Newhuntington, and part of Buel's and Avery's Gores, into three distinct towns.

55

An act granting to Samuel Mattocks, esquire, treasurer of the State of Vermont, the sum of sixty nine pounds, fifteen shillings and two pence.

57

An act authorizing Simeon Brown, administrator on the estate of Oliver Blye late of Springfield, deceased, to sell lands therein mentioned.

57

An act granting a tax of two pence per acre on the lands in the town of Victory, in the county of Orange.

59

An act directing the treasurer of this state to pay Joshua Bayley, the sum of six pounds, fifteen shillings.

60

An act discharging Jonathan Greene, from the payment of a bill of cost.

61

An act in addition to an act entitled an act directing and regulating the levying and serving of executions.

62

An act constituting and establishing
the

*Titles of Acts.**Page,*

the persons therein named, as a company of artillery, to be annexed to the second brigade, in the second division of the militia of this state.

65

An act making a grant of land to Samuel Knight, esquire,

66

An act for raising a company of cavalry, in the second regiment, in the eighth brigade, and first division, of the militia of this state.

67

An act appointing Josias L. Arnold, esquire, one of a committee, to superintend the expenditure of a tax in Burke, in the place of Jonathan Arnold, esquire, deceased.

69

An act granting a tax of one penny, on all the land in the town of Berlin, for the purpose therein mentioned.

69

An act appointing a collector of a land tax in Johnson.

71

An act empowering and directing the supreme court to amend a certain writ.

72

An act in addition to an act, entitled "an act, for the settlement of testate and intestate estates.

74

An act in addition to an act, for the limitation of actions.

An

75

An act establishing the town officers in the towns of Burlington, Williston New-huntington and Jericho.

76

An act in addition to and alteration of an act, regulating and governing the militia of this state, passed October twenty ninth, one thousand seven hundred and ninety four.

76

An act in addition to an act, entitled 'an act granting leave to Anthony Haswell, to raise the sum of two hundred pounds by lottery, to repair injuries by him sustained, in the destruction of his printing apparatus and other property in Rutland, by fire.

80

An act to continue in force until the rising of the general assembly, in October next, an act entitled, an act to suspend prosecutions against Edmund Willis of Woodstock, in Windsor county,' passed the thirty first day of October one thousand seven hundred and ninety three.

81

An act ratifying the doings of a meeting of the proprietors of the township of Navy.

82

An act granting a tax of one penny per acre, on the town of Johnson, and

two

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two pence per acre on Coit's Gore, for the purpose therein mentioned,

83

An act in addition to an act entitled, 'an act regulating proprietors meetings,' passed March ninth, one thousand seven hundred and eighty seven.

85

An act annexing the town of Starkeborough in the county of Chittenden, to the county of Addison.

91

An act altering the time for the setting of the county court, in the county of Chittenden.

92

An act to suspend the collection of a certain note, executed by Abel Spencer, and James Claghorn, for about thirty nine pounds, to the treasurer of the state of Vermont, for the payment of a fine and cost, laid and taxed against Solomon Spafford, for the term of one year from the date hereof.

93

An act for levying a tax on Windsor county.

93

An act granting to Eliakim Spooner, the sum of forty two pounds, nine shillings and three pence.

95

An act for the more speedy settlement of controversies.

An

95

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Page.

An act directing the judges of Windham county court, to continue a certain action therein described, until after the rising of the next session of the legislature.

98

An act in addition to an act entitled, "an act for mending and clearing highways."

99

An act directing the use of the rights of land in this state, heretofore granted by the British government, as glebes for the benefit of the church of England, as by their law established.

101

An act in addition to an act, entitled, "an act for the incorporating a part of the towns of Newhaven, Panton, and Ferrisburgh," passed October twenty-third, one thousand, seven hundred and eighty eight.

103

An act in addition to an act, entitled, "an act relative to the people called quakers."

109

An act appointing commissioners to settle with the treasurer, &c. &c.

109

An act enabling the several towns in this state to make laws restraining sheep from running at large.

111

An

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167

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An act in addition to an act, entitled
“an act defining the powers of the su-
preme and county court.”

111

An act enabling certain persons there-
in named to take care of and lease out
the lands granted for the use of the coun-
ty grammar school, in the county of
Windsor.

112

An act directing the appropriation of
the lands in this state, heretofore grant-
ed by the british government, to the so-
ciety for the propagation of the gospel in
foreign parts.

114

An act in addition to an act entitled,
“an act in addition to an act regulating
goals and gaolers.” Passed November
eighth, one thousand seven hundred and
ninety two.

116

An act in addition to, and alteration
of an act, entitled, “an act defining the
powers of justices of the peace, within
this state.”

117

An act making it the duty of the judg-
es of the supreme court, to appoint
clerks in each of the counties in this
state, and also in addition to the act ap-
pointing an attorney general.

117

An act assessing a tax of two pence on
the

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the pound, on the list of one thousand, seven hundred and ninety four.	121
An act empowering Adam Dickey, collector of the half penny state land tax in the town of Topsham, to sell the land of delinquents in said town, for the payment of said tax.	122
An act raising the wages of the non-commissioned officers and soldiers detached from the militia of the state of Vermont, agreeably to an act of congress passed in the year one thousand seven hundred and ninety four, in case they shall be called into actual service.	123
An act forming a new town, out of the towns of Putney and Athens, in the county of Windham, by the name of Brookline.	124
An act granting to Samuel Williams, esquire, the right of doing all the printing business for this state, for the term of ten years.	126
An act making appropriations for the support of government, the present session, and from thence until the next session of assembly.	129
An act making provision for the payment of costs, in certain cases therein mentioned.	130

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An act appointing a collector of land taxes, in the towns of Burlington, Shelburn, Colchester and Essex.

131

An act to rectify a mistake in the charter of the town of Medway, in the county of Rutland.

134

An act for the purpose of obliging the proprietors of a mill dam on the mouth of W. pond, to draw the water off from the lands flowed by the same, at the times and on the considerations therein mentioned.

135

An act in addition to, and in alteration of an act, entitled, 'an act granting a tax of one penny on each acre of land in the towns of Morristown, Sterling and Worcester,' passed November eighth, one thousand, seven hundred and ninety two,

138

An act in addition to an act, entitled, 'an act granting leave to raise the sum of two hundred pounds, by lottery, for finishing a malthouse and brewery, in Weathersfield.

138

An act in addition to, and explanation of 'an act for the purpose of raising by lottery, the sum of five hundred dollars, for the purpose of defraying the
expence

expence of building a bridge over the river La Moile in Fairfax.

139

An act granting a tax of two pence per acre, on that part of Kelly's grant called Number Four, lying between Johnson and Coit's Gore, for the purpose therein mentioned.

140

An act appointing a collector of taxes, for the town of Jericho, in the county of Chittenden.

142

An act appointing a committee to describe the lines of the several towns hereafter expressed, for the purpose of altering said towns to a different form, from what they now are in, by the present lines of said towns.

144

An ACT granting a new trial to sundry inhabitants of Alburgh.

145

An ACT granting a tax of two pence on each acre of land in the township of Bakersfield, in the county of Chittenden.

148

An ACT to suspend the administration of Israel Stocking.

149

An ACT granting a new trial to Samuel Beach.

150

An ACT granting a tax of one penny on

October session 1794.

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on each acre of land in the township of Mansfield, in Chittenden county.

152

An ACT granting a tax of one penny on each acre of land, in the township of Stowe, in Chittenden county.

154

An ACT in addition to an act, entitled, 'an act granting a tax of two pence, on each acre of land in the township of Isle-La-Mott, in Chittenden county,' passed the 17th of November, one thousand seven hundred and ninety one.

155